

Publishing and Alternative Licensing Models in Africa

*Comparative analysis of
the South African and
Ugandan PALM Studies*

Eve Gray

With Andrew Rens
and Karen Bruns

This publication reports on a research project financed by Canada's
International Development Research Centre (www.idrc.ca).



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Frances Pinter was the inspiration behind the PALM Africa programme and its international lead at the inception of the programme. It is to her that PALM Africa owes its conceptualisation and its vision. Her departure from the programme when she was appointed Publisher of the visionary new Bloomsbury Academic Publishing imprint was both a loss to the programme and a vindication of her vision.

This report is a comparative analysis of two country reports from Uganda and South Africa, the participant countries in the PALM programme. It draws extensively upon the country reports, which are available online at <http://idl-bnc.idrc.ca/dspace/simple-search?query=PALM+Africa+publishing+>.

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Andrew Rens provided an incisive study of the colonial roots of copyright in South Africa and Uganda, as well as a clearer understanding of the roots and impact of territorial rights.

Karen Bruns provided a literature review of African publishing, its challenges and successes, as a background context to the findings of the two country studies.

Arthur Attwell of Electric Book Works worked steadily on the capacity and skills that South African and Ugandan publishers would need to operate effectively using digital media in their particular contexts. His invitation to speak at the O'Reilly Tools of Change Conference in New York in February was a pleasing acknowledgement of the profile he has built up.

Contents

Acknowledgements	5
Executive summary	9
The PALM Africa programme	9
The aims of PALM Africa	9
Open and flexible licences	10
The research approach	11
A changing publishing environment	11
The PALM international intervention	11
Demonstration publishing projects in Uganda and South Africa	12
Emerging trends	12
Key outcomes	13
Research findings	14
Further research requirements	16
The way forward	18
Introduction and background	23
The PALM Africa programme	23
The context of the PALM project – a changing world	28
Access or participation?	29
Flexible licences	31
Creative Commons licences	32
Changing publishing models	34
eBooks and reading devices	37
Publishing to cell phones	38
This report	39

African publishing in a changing world	40
1.1 The marginal position of African publishing globally	40
1.2 The key problems facing African publishers	45
1.3 Marketing and a changing value chain	48
1.4 Where change is happening in African publishing	49
The legal context for publishing in South Africa and Uganda	50
2.1 Layers of legal regulation	50
2.2 The history of copyright law	51
2.3 Territorial rights	52
2.4 Economic aspects of ‘territorial rights’	55
2.5 PALM findings	56
Publishing in South Africa and Uganda – a comparative review	57
3.1 Developing country and middle-economy country publishing in Africa	57
3.2 The publishing industry in South Africa	58
3.3 The publishing industry in Uganda	63
3.4 A comparative analysis of the South African and Ugandan industries	66
3.5 Non-commercial and development publishing	67
The PALM Africa programme	69
4.1 Study design	69
4.2 Conceptual framework	71
4.3 Findings and discussions	72
4.4 The international intervention	73
4.5 Case studies – demonstration projects in South Africa and Uganda	76
4.6 Development and alternative publishers	83
4.7 Research institutions	90
4.8 A feasibility study – print on demand	96
Conclusions	102
5.1 Flexible licensing and A2K in Uganda and South Africa	102
5.2 Emerging trends	104
5.3 Key outcomes	104
5.4 Research findings	106
5.5 Further research requirements	108
5.6 The way forward	110
References	111

Executive summary

THE PALM AFRICA PROGRAMME

Publishing and Alternative Licensing Models in Africa (PALM Africa) has been a two-country research programme conducted in South Africa and Uganda, using action research to explore the potential of open access and flexible and open intellectual property licences with the aim of enhancing the impact of African publishing.

The premise of the PALM intervention was that in Africa, which needs the development impact of knowledge production more than any other continent, the conventional book trade – both commercial and not-for-profit – faces serious barriers in reaching readers and creating sustainable business models. UNESCO figures for 2002 show that Africa's share of world book exports was 0.3%, while its share of imports was 2.3% (UNESCO 2005: 59).

There is therefore a deficit of relevant African-published content and of access to affordably-priced international content to address Africa's considerable development challenges.

THE AIMS OF PALM AFRICA

With the promise of rapidly-increasing bandwidth in the region, the PALM programme researched how the expanded potential of internet communications could be harnessed to overcome some of the limitations of African publications for more effective access to knowledge in Africa.

The research question was:





How can flexible licences, innovative publishing models and the use of ICTs enable African research institutions, development organisations and book publishing businesses to increase access to and production of knowledge and learning?

Where the PALM Africa project has differed from many other development-focused projects dealing with ICT and A2K in Africa is that it sought to explore the effectiveness of working across digital and print delivery as well as paid-for and free publishing models. In the severely under-resourced environment of African knowledge dissemination, which has to depend upon limited government and donor funding, the project recognised the primary importance of sustainability and viability in a region where there is no ready access to the knowledge resources produced in the region.

OPEN AND FLEXIBLE LICENCES

The flexible licences that the project proposed researching included a range of open licences, particularly the suite of Creative Commons (CC) licences that offer a variety of options for authors and publishers.

Figure 1: Creative Commons licences

BY	SA	NC	ND
			
You let others copy, distribute, display, and perform your copyrighted work – and derivative works based upon it – but only if they give credit in the way you request.	You allow others to distribute derivative works only under a licence identical to the licence that governs your work.	You let others copy, distribute, display, and perform your work – and derivative works based upon it – but for noncommercial purposes only.	You let others copy, distribute, display, and perform only verbatim copies of your work, not derivative works based upon it.

In addition, the programme explored the potential for the use of protocols, such as CC+, that allow for easy and automated negotiation of terms for subsidiary rights such as territorial rights, adaptation rights and translations, in conjunction with either conventional or Creative Commons publishing licences.

THE RESEARCH APPROACH

Action research provided the core of the PALM programme, in the form of demonstration publishing projects in which publishers were encouraged to explore the potential for flexible licences in their publishing programmes.

The PALM programme set out to achieve a greater understanding of the realities of African publishing, taking into account the international publishing environment and the global power relationships between foreign and domestic publishing, using literature reviews, the mapping of the publishing value chain in each country, seminars and workshops, and active engagement with key stakeholders from the publishing industry, government, NGOs and research and educational communities.

A CHANGING PUBLISHING ENVIRONMENT

The PALM programme identified a number of changes that are taking place globally in publishing and business models in an increasingly digital environment. A number of these changes, such as the growth of niche markets; increased opportunities for self-publishing; and community-focused content development and marketing, appeared to offer advantages for African publishers. Equally, some developments – such as the decentralisation of the publishing process and the development of specialist publishing services companies – were reflected in the case studies reviewed in the PALM programme as strategies that African publishers are already using.

THE PALM INTERNATIONAL INTERVENTION

The PALM programme engaged with the publishing divisions of the World Bank and UN agencies concerning the potential for flexible licensing and open access to deliver the development goals of these agencies.

The outcome was greater awareness and responsiveness among these publishers of the value of CC licences and of open access as a development tool; however, this was constrained by organisational structures and the expectation that publishing units were required to ‘break even’. Some World Bank publications are now using CC licences and it appears that UNESCO publishers might be adopting an open access publishing model.

An unexpected and indirect outcome of the PALM programme was the creation of Bloomsbury Academic as a new imprint of Bloomsbury Publishers, to be headed by Frances Pinter, who was at the time the international lead of the PALM programme. Bloomsbury Academic uses OA online publication to provide market exposure for its publications, with revenue provided by the sale of books targeted at the library market, and of ebook and subsidiary rights, utilising the CC+ protocol. Pinter acknowledged a debt to the PALM programme and to the HSRC Press in South Africa in the conceptualisation of this new venture.

DEMONSTRATION PUBLISHING PROJECTS IN UGANDA AND SOUTH AFRICA

After initial caution on the part of the publishers participating in the first stakeholders' seminar in each country, based on the perceived threat of piracy and fear of erosion of sales by free online content, there was a good take-up of demonstration projects by a range of publishers in both Uganda and South Africa after the respective publishers' workshops.

Four categories of publisher were identified among the participants in the demonstration projects:

- Conventional commercial publishers;
- Development and alternative publishers;
- Research organisations; and
- In South Africa, one electronic publishing services company that crossed the boundary between commercial publishing and publishing for the public good.

These demonstration projects, their business models, outcomes and findings are summarised in Table 1 below (pp. 19–22).

EMERGING TRENDS

- After initial caution, both commercial and development-focused publishers tended to adopt a dual-stream business model with print for sale and online open access content as their first experiment. The online content was used as a marketing tool for greater reach and exposure. Licence choice was conservative, with publishers cautious of allowing derivatives or commercial uses.
- Critical success factors in the use of open access licences for marketing purposes

by commercial and development publishers were the active promotion of the availability of open content on the company website and the championing of the venture at a high level in the organisation.

- Training providers – commercial and NGO – saw the advantage of using open access content to attract students to training delivery and to deliver public interest goals, with business models that involved free content combined with sales of books and paid-for training provision, accreditation and certification.
- Research organisations appeared to be at the forefront in understanding the potential of open access content availability to support the development goals of research programmes. What PALM offered them was enhanced understanding of the value of formal open access CC licences and the value of professional publishing and marketing skills.
- Print on demand (POD) for rapid and decentralised small print runs was perceived to be a key need.

KEY OUTCOMES

- A number of commercial and not-for-profit publishers in Uganda and South Africa adopted CC licences as a marketing exercise to expand their reach and increase the sales of their titles. This appeared to be successful, with increased downloads noted. However, there is a need for further technical expertise in tracking downloads and a longer period of time would be necessary to track impact accurately.
- One of the initial expectations of the PALM proposal was not delivered: that the use of flexible licensing would simplify the use and lower the cost of using or adapting international materials for African consumption. This appeared to arise from the dominant desire of African publishers to grow their own presence in their markets rather than relying on imported content. In other words, the participants in the project had greater *participation* in national, regional and global publication as their aim rather than simply greater *access*.
- Linked to this was a lack of take-up of the potential of licencing protocols such as CC+ or ACAP, which allow for easy online transaction of subsidiary licences for cross-border licencing, adaptations or translations. However, this was identified as an important issue in a pilot study on the potential for licensed print on demand delivery through copy shops.
- In Uganda, the PALM project succeeded in bringing Uganda's publishing industry into an experimentation mode which is necessary for the development

of new business models. However, a key lesson was that poor ICT skills and the predominance of small companies that could not afford to outsource ICT personnel and equipment prevented more companies from participating in the publishing experiment.

- The potential of a copy shop model for licensed POD services was demonstrated; however, concerted efforts are needed to educate decision-makers in content-related organisations (publishers, research organisations, universities, etc.) about the internet's digital distribution opportunities, including how those relate to flexible licensing. This could be pursued at industry-body level, or be left to those organisations to prioritise as the need becomes obvious internally. This potential could be managed alongside the development of electronic solutions, through ebook readers and mobile technology.
- The PALM South Africa 2009 Publishers' Workshop provided a context for interaction between the directors of the South African Book Development Council and the National Book Trust of Uganda (NABOTU), leading to mutual proposals for collaboration in reading development activities.
- An international distribution agency for African publications, the African Books Collective, offered POD international distribution services through Lightning Source to a FEMRITE online title. NABOTU, which hosted the PALM project, in turn received interest from the US Library of Congress for its PALM industry survey, available online on an open licence.

RESEARCH FINDINGS

- The PALM programme's demonstration projects challenge the conventional perceptions of how publishing works, revealing the existence of a vibrant publishing culture that operates outside of commercial publishing. These publishers challenge the division between commercial and not-for-profit publication activities and confound the perception that non-commercial publishing is by its nature not professional in its standards and business models.
- A key finding of the PALM study was the insight that was gained into the differences between the aspirations and operations of commercial as opposed to development publishers and the existence, among Ugandan commercial publishers, of both profit and development motivations. Of particular value was the insight gained into the process of brokering change in the different contexts of the small publishing industry in Uganda and the bigger middle-economy

context of the South African industry.

- In the changing world of digital publishing, the emerging publishing model is one of digital content databases capable of sending content to multiple media channels, targeted at niche markets. Given the difficulties of cross-border trade in African publishing and the limitations in internet connectivity, the capacity that this offers to create products that are appropriate to the local context is potentially important.
- Publishing services organisations – both research-based and NGO – demonstrated that there are specialised publishing skills involved at every level in the process of popularising or ‘translating’ research, from writing through design to choice of media. While training and support for science journalism is offered through organisations like UNESCO and by national governments, these specialist skills are less widely understood in the context of publishing.
- The lesson learned from these companies and research units was that there is capacity available for making Africa’s investment in research work for national development goals, in line with government policy demands for research impact on economic and social development. Flexible licensing could offer ‘last-mile’ solutions, through the use of commercial licences and print on demand, for onward dissemination of publicly funded science development projects in an open and sustainable way.
- The PALM Paperight project’s investigation of the potential for using copy shops for POD revealed that this did need to be pursued further; however, it identified the need for the development of partnerships for compiling licensed content and for the resolution of technical questions and the automation of processes. The use of CC+ protocols could provide a solution; however, this would require an informational and capacity-building exercise involving a number of publishers and content providers.
- Among the key findings of the POD pilot study intervention was an increased awareness of the limitations of the CC non-commercial licence. A number of findings from this intervention could help to inform other players who might wish to deploy similar strategies. For this reason, most proponents of CC licences are recommending the use of a CC Share Alike licence as the most desirable option.
- A copy-shop-based POD system could be managed alongside the development of electronic solutions through ebook readers and mobile technology.
- The PALM programme identified the need for effective marketing even where open access publishing models were being used, and interrogated how publishers could leverage new networked marketing strategies to address their own particular and often difficult circumstances.

- PALM's interaction with the larger South African publishers showed that change, in the context of large organisations, is an incremental process and that any systemic change would need to be worked through the necessarily slow and secretive strategic planning processes in a conservative industry that is resistant to change. The sticking point for the South African companies was their dependence, at a corporate level, on the protection and exploitation of content as their core business model.
- The neo-colonial foundations of IP legal regimes in Africa were identified. This has resulted in a focus on *access* in development discourse, commonly leading to an emphasis on exceptions and limitations in copyright law. The PALM programme, with its recognition of the importance of *participation*, identified territorial rights and the prohibition of parallel importation as the major backward drag on the ability of African publishers to reach wider readership and markets across the region and to provide adaptations and translations for regional use.
- Rather than concerning themselves with requirements for legislative reform in IP law or policy changes, publishers participating in the PALM programme were mainly concerned with the practical application of open and flexible licensing. The general tenor of the interchanges at the workshops and the answers to questionnaires showed less concern with the question of national legislation than with business practicalities and engagement with changing business models.

FURTHER RESEARCH REQUIREMENTS

Commercial and development publishing in Africa

There needs to be a redefinition and re-evaluation of development (or 'grey') publishing in a digital world and in the African context. This would involve a review of the implicit hierarchies and power structures that underlie the marginalisation of this kind of publication and of the value systems that underpin the valorisation of commercial over other kinds of publication. It could build on the understandings achieved in the PALM project of the professional skills being exercised by these non-formal publishers and the combination of commercial and public good motivations that characterise these ventures. The potential for combinations of public interest and commercial models, using OA and flexible licensing, might contribute to A2K in the developing world.

Technological skills and capacity building for African publishing

A recurrent theme in the PALM programme was the need for greater capacity and skills when it came to online publication and managing online content. Further research could identify the nature of the expertise required, the systems and platforms needed, and metadata management and search optimisation. This would need to be relevant to an African (or developing-country) context, where bandwidth might be scarce and where the use of mobile technology and wireless connectivity is likely to be in play.

Business models and industry capacity development

While research and capacity development in African media has focused on support for newspaper and broadcast media, there has been a neglect of the development potential of publishing, as a result of a narrow, commercialised conception of the nature of the industry. Further research would investigate appropriate business and sustainability models across formal commercial publishers and development publishers, as well as the role of service providers in an increasingly disaggregated value chain. This would require a review of the publishing ecosystem in an African context, the level and nature of public support in sector development, appropriate licensing models and skills needs.

IP law – territorial rights and parallel importation

The prohibition of parallel importation in African copyright regimes is not required by international copyright treaties such as TRIPS and tends to enforce higher prices by creating market barriers that favour commercial publishers from the global North. It is becoming an anachronism in the seamless global markets offered by the internet. The question to be researched is therefore whether African governments should consider repealing bans in their copyright legislation on parallel importation. This also becomes an important issue when it comes to developing the potential for ebook readers, something that was not dealt with in the PALM programme but which could offer considerable benefits in Africa over the next few years.

Distributed print on demand

While there was no time or capacity in the PALM programme to explore the potential of POD for inter-African trade further, this is a possible spin-off that merits future investigation.

Such research would need to include the need for developing partnerships for

the compilation of licensed content, the resolution of technical questions and the automation of processes. The use of CC+ protocols could provide a solution. This would require an informational and capacity-building exercise involving a number of publishers and content providers.

In these circumstances there would appear to be a largely unrecognised potential for the use of digital devices as potential solutions to the distribution problems faced by African publishers.

Further research and advocacy on CC non-commercial licences

Creative Commons Non-Commercial licences were used by many producers of open access materials. However, since many forms of distribution required to reach African readers require a financial transaction (and business model) at some point in the supply chain, rights holders must be very sure about their reasons for using CC NC. Further research and advocacy is needed in an African context.

THE WAY FORWARD

The PALM research analysis and demonstration projects have revealed the variety of the contributions that African publishers across a wide spectrum are already making to cultural life, human resource development and critical development areas such as health and agriculture. Much of this contribution has been neglected or under-recognised in the existing literature, largely as the result of preconceived notions of what constitutes publishing, which is in turn informed by neo-colonial power systems of knowledge dominance.

The potential that the PALM programme has identified for the use of flexible and open licences to grow access to Africa-centred and relevant knowledge for development would need to be supported by research and advocacy in a wider context, if it is to reach its full potential.

Given investment in research to underpin a strategic plan for policy development at national and regional level, there could be real potential for a vision of African publishing that is in line with developments in the 21st-century knowledge society, using the full potential of open and flexible licences and new business models to give the continent a strong global voice and the capacity to address its own cultural and knowledge needs.

Table 1: Summary of PALM Project activities

PALM interventions and demonstration projects					
Publisher	Licence	Business model	Result	Outcome	Lessons
Commercial publishers					
Fountain Press, Uganda	CC BY ND NC	Dual mode print and online OA, for marketing impact and global visibility; better global profiling for African authors.	Increased international exposure for a leading publisher, increased activity on website.	Brought Ugandan commercial publishing into experimental mode necessary for the development of new business models. Dispelled the perception that free content would kill sales volumes.	Capacity needs: web publishing skills, ability to track downloads. Need for POD for inter-African trade.
Mastermind, Uganda	CC NC	Online OA content as marketing exercise to promote physical books and training programmes for a business skills publisher.	Implementation delayed by technical capacity problems.	Greater understanding of potential of flexible licences for business and training publications.	Potential of open access licences for training provision business models. The need for technical skills and capacity building in electronic publishing.
UCT Press, SA	CC BY ND NC	Dual mode print and online OA, for marketing impact. Creation of an online forum for social marketing through a community of practice.	One book published with a CC BY NC licence. Further developments inhibited by economic climate and academic conservatism.	Created space within a medium-sized publisher for the exploration of new marketing models using open access and social networking. Recognition of scholarly publishers as sites of experimentation at the borders of commercial publishing.	Understanding of slow change processes within large company environment. Author conservatism an obstacle to adoption of open access and social networking in scholarly publishing.

PALM interventions and demonstration projects					
Publisher	Licence	Business model	Result	Outcome	Lessons
Juta and Nasou Via Afrika, South Africa		Exploration of new business models for larger educational publishing businesses; partnerships between university learning management systems and textbook publishers.	While these publishers did not take up demo projects, they showed considerable interest in the potential for flexible licences for certain of their publications, and for marketing.	The idea of flexible licensing and a recognition of its potential has been seeded in some leading South African educational publishers.	While there is potential for change in the larger companies, particularly at middle management level, delivering this change in complex organisations is a slow process. Secrecy linked to competitiveness in also a barrier to change.
Development publishers					
FEMRITE (women writers' association), Uganda	CC BY	Open access as a marketing exercise to boost print sales, increase exposure and encourage submissions from women authors.	Two books published with CC licences. Increased downloads, widening int'l attention. ABC distributor offered int'l POD distribution.	A women writers' association achieves greater exposure and international distribution.	The need for support for capacity development in technical and marketing expertise.
Jive Media (Science popularisation, publishing services), South Africa		Creation of a portal of research content for popularisation. Use of CC licences to extend life of publications beyond original donor distribution.	Financial pressures and uncertainty about future funding sources delayed implementation.	Increased awareness of the value of flexible licences. Awareness of the potential of providing open access to research findings in order to generate 'translations' for community benefit.	Awareness of the benefits and practicalities of CC licences. Enhanced understanding of specialist skills available in an important development sector.
Research organisations					
PLAAS agricultural research institute, South Africa	CC BY SA (content) CC BY ND (illus.)	Online publication of research reports and policy papers for open access. Print publications provided in some cases with donor support.	Flexible licences provide enhanced impact and reach for development-focused research institutes with a history of online publication.	Adoption of CC licences to provide coherent access provisions. Recognition of the value of publishing skills.	Longstanding tradition of research institutes providing free online content. CC licences provide clarity. Understanding of the need for content adaptation (CC SA).

PALM interventions and demonstration projects					
Publisher	Licence	Business model	Result	Outcome	Lessons
SAIDE (distance learning institute), South Africa	CC BY (for OER Africa material)	Open access conference proceedings/ journals. Potential for republishing out-of-print materials. CC licence on collaborative video materials.	Implementation delayed.	Increased awareness of the need for coherent use of open licences. PALM support on CC licence application provided value in terms of understanding of the implications of the different licences.	Understanding of research-based development agencies that publish a range of research-based and community-focused publications. These fall outside of the conventional industry but provide development impact for research and teaching and learning activities at university level.
Children's Institute, UCT, South Africa	CC BY ND NC	Dual model print and free online availability for flagship publication.	Delayed by issues relating to rights for legacy content with all-rights-reserved licences.		The value of open licences for the focused enhancement of the objectives of community engagement.
EBW/PEP Child Health (Case study)		Integrated business model: online training content as a public good with print books for sale and paid-for training and certification. Partnership between research-based NGO and electronic publishing services company.	This was a case study and not a PALM intervention. Provided a useful example of an elaborated business model using open licences.	A successful working case study for emulation by other organisations.	Value of service provider partnership for effective delivery. Open licences and OA provide the public good value in a viable commercial business model and enhance development impact.

PALM interventions and demonstration projects					
Publisher	Licence	Business model	Result	Outcome	Lessons
Electronic publishing services/POD					
Electric Book Works, South Africa		Pilot investigation for the use of copy shops for licensed distributed print on demand in Africa.	Analysis of the technical, licensing and operational requirements for successful POD delivery through copy shops.	Pilot study produced detailed analysis of further interventions and potential business models that could provide affordable POD in an African context.	Limitations of CC NC licence in inhibiting flexible content use. Distribution rights inhibited by territorial rights provisions. The need for the development of POD agency/publisher partnerships for rights management.

Introduction and background

THE PALM AFRICA PROGRAMME

The project for Publishing and Alternative Licensing Models in Africa (PALM Africa) has been a two-country intervention, carried out in South Africa and Uganda. The premise of the PALM intervention was that in an African context, the book trade – both commercial and not-for-profit – faces serious constraints in creating viable models in limited markets with considerable distribution barriers, nationally and internationally. While access to internet connectivity is very limited, making online publishing problematic, this situation shows signs of rapid change with the landing of new sea cables on the east coast of Africa. In this environment, the PALM project questioned whether open access approaches employing flexible licensing could work in conjunction with local publishing to improve access to learning materials and knowledge resources (A2K).

Where the PALM Africa project has differed from many other development-focused projects dealing with ICT and A2K in Africa is in its recognition of the need to explore, in the African context, the effectiveness of working across paid-for and free models of content delivery. In the severely under-resourced environment of African knowledge dissemination, which has to depend upon limited government and donor funding, the project recognised the primary importance of sustainability and viability in a region where there is no ready access to the resources produced in the region (Abrahams *et al* 2009).

Through engagement with key stakeholders from the publishing, government, NGO, research and educational communities, PALM Africa aimed to find out whether current

licensing practices help or hinder distribution of content and whether or not adoption of flexible licensing practices under certain circumstances might help to streamline some of the publishing processes, thereby potentially reducing costs while expanding the reach and effectiveness of publications.

While there has been research on the potential of open access knowledge production of educational resources and research publications in Africa (Altbach *et al* 2009; Bloom *et al* 2005; Chan and Costa 2005; De Beer 2005; Gray 2008), what has largely been missing is research on how open access approaches could work in conjunction with local publishing in developing countries to improve access to knowledge.

The PALM project questioned how commercial and non-commercial publishing in developing countries might benefit from more flexible licensing practices, taking into account the international publishing environment and the global power relationships between foreign and domestic publishing. Underlying this approach has been the recognition that open access, 'free' solutions in the North often rely upon the bedrock of wealthy economies and strong infrastructure, whereas the same cannot be assumed in developing countries. There is also the risk that the knowledge divide may deepen as the south receives generous handouts of content from the global North, further stifling the South's ability to develop and disseminate local knowledge (Kirsop and Chan 2005).

Another aspect of the project proposal that differentiated it from many other open access interventions was its insistence on the importance of publishing and marketing skills. By 'publishing', the project proposal argued, 'we mean... the services of commissioning, editing, design, marketing, validating, branding and distributing learning materials.' This perception was borne out in the project delivery. For example, in the South African programme, recognising the particular range of skills brought to bear by specialist publishers who provide popularisation of scientific research offered important insights. The South African HSRC Press,¹ a leading example of a dual-model open access and print publisher of books on the social sciences, relies on a team of highly professional publishers, editors and marketers who have worked to provide a rethinking of the common preconceptions of how a publishing enterprise generates value and revenue for the organisation it serves (OAPEN 2010: 26).

The project therefore set out to research a range of solutions that might be provided by flexible licensing, from alternative business models in market sectors in which the 'free online' open access models might be sustainable with public funding, to more complex models combining the commercial and the 'free' in various new ways.

The scholarly literature has identified a number of viable 'some rights reserved' models with reference to a few examples, primarily in the fields of music and software. However, there have been no detailed studies that track the use of flexible licensing by developing country publishers in a systematic way. PALM is therefore the first comparative study of

1 <http://www.hsrcpress.ac.za>

its kind that aimed to engage with stakeholders to build up appropriate business models from inside the industry and then to test their viability.

In selecting South Africa and Uganda as the research sites, the PALM project aimed to provide a comparison between a relatively well-resourced country with (by African standards) a large publishing sector, and a country that is working hard to expand its small publishing sector and hence its ability to generate and disseminate locally-developed knowledge products, aiming to reduce its dependence on imports from the global North.

PALM Africa as part of a broader research collaboration initiative

At the Workshop on Electronic Publishing and Open Access in Bangalore in 2006, inter-project collaboration was raised as a way of increasing the impact and range of interventions undertaken by individual donors. This workshop recognised the potential for collaboration between second-economy countries as a power base for change and was attended by delegates from India, Brazil, South Africa and China. This recognition of the importance of collaboration spilled over to tea-break discussions about the fragmentation of donor interventions in southern Africa and the need for a consolidated and coordinated approach. In response, a group of funders and researchers – from the Open Society Institute (OSI), the International Development Research Center (IDRC) and the Shuttleworth Foundation – subsequently met at the iSummit in Dubrovnik in June 2007 to take this idea further.

The decision was that the funders could map their various projects in consultation with one another, in order to try to achieve a consolidated impact in the transformation of policy and practice for the use of ICTs and open access publishing in increasing access to knowledge in Africa. The projects that emerged from this informal initiative thus consciously cross-referenced one another in the pursuit of these goals, contractually requiring that research findings be made freely available through open licences, and also sharing project resources and findings through the use of social networking tools. This proved effective, as the projects shared literature surveys and reading lists, exchanged findings, collaborated in interviews and workshops and used collaborative workspaces and online discussion forums to exchange ideas and track common areas of interest (Gray and Burke 2008).

Four projects involved in this collaboration recognised (in different ways) that achieving shifts in policy and practice in an environment as conservative as the research and publishing sectors, and as sensitive as the under-resourced African context for knowledge dissemination, needed a multiple-pronged approach. This approach had to work at all levels of the system – institutional, national and regional – to change entrenched policy and practice. A complex approach, this collaboration suggested, would have a better chance of delivering substantial shifts and leveraging the potential of ICTs and open access publishing models to transform the delivery of African knowledge dissemination.

The projects all focused on the production of African knowledge from Africa, for African purposes, rather than the question of access alone.

The three projects in this collaboration, alongside PALM Africa, were:

- **The OpeningScholarship project**, funded by the Shuttleworth Foundation and carried out in the Centre for Educational Technology (CET) at the University of Cape Town (UCT), used a case study approach to explore the potential of ICTs and web 2.0 to transform scholarly communication between scholars, lecturers and students and also between the university and community. The focus was at an institutional level; the lever for change is seen as the ICT systems that this institution invested in and their use within the university. The PALM Africa South African project collaborated with OpeningScholarship in an all-day workshop conducted for Juta Publishing – a South African academic, medical and law publisher – to explore the changing context in which textbook publishers now operate in South Africa, given the pervasive use of online teaching and learning environments at universities such as UCT. UCT presented innovative teaching and learning interventions, including the development of animations for conceptual understanding of complex concepts, the use of video and animation to add capacity in medical diagnostic training, and the use of simulations using primary resources alongside textbook material to offer African perspectives and case studies in subjects such as international law and finance. Juta, on the other hand, was interested in how to licence textbook content to interface with the online learning environment and how to exploit the potential of the university's multimedia material. Both sides were therefore seeking flexible licensing solutions: the publishers wanted access to the university's technological sophistication and the university sought the ability to use content as flexibly as possible in its digital environment. The analysis of the university research environment that formed part of the OpeningScholarship study drew attention to the number of research groupings at the university that published online development-focused research, often of very high quality. This led to further investigation in the PALM project and the Publishing Matrix. What emerged was the existence of an under-recognised publishing sector, operating on the margins of or outside the commercial sector, unrecorded in most analyses of publication output, operating in a variety of research groupings and NGOs and disseminating and publishing books and other research-based or development-focused publications.
- **Opening Access to Southern African Research**, carried out by the Link Centre for the Southern African Regional University Association (SARUA) and funded by the IDRC, studied the issues of access to knowledge constraints in southern

African universities and the role of open approaches to research and science cooperation. The research project aimed to inform the development of policy advocacy at the institutional, country and regional level with respect to academic publishing and knowledge sharing in the ‘digital commons’ context. The findings of this project provided valuable insights to PALM on the barriers to the dissemination of African research across the continent and the role that open licences could play in remedying an unsatisfactory situation.

- The Shuttleworth Foundation and the OSI supported the production of the **Publishing Matrix**, an overview of the workings of the publishing industry – formal and informal – to allow researchers, activists and funders to better understand the context in which they operate (<http://www.sapublishing.cet.uct.ac.za>). The problem that this project addressed is that if donor-funded interventions are to achieve wider access to learning materials in Africa, they need to be backed by an understanding of how publishing and knowledge dissemination works in the countries concerned and where the blockages and weaknesses in the provision of learning materials and other knowledge resources are, as well as where traditional systems are working well.

The Publishing Matrix functioned as a background survey of the South African industry, adding information on the impact and functioning of ‘grey publications’ and on the limitations and barriers to A2K in the conventional publication environment that could lead to the need for flexible licensing. The Ugandan PALM project carried out a similar survey of the Ugandan publishing sector.

The projects described shared methodologies of qualitative analysis, exploratory, descriptive and action research. They combined higher-education policy studies with an analysis of technology use and its impact. They shared the perception that, as a result of the changes being brought about in research and teaching through ICT use, technical, organisational and communication infrastructure needed to be analysed in an integrated knowledge cycle. Most strikingly, in contrast to many open access initiatives, the projects combined to explore the potential for finding solutions that could also involve the publishing industry, formal and informal, in changed business practices that could deliver sustainable models for greater access to learning materials.

THE CONTEXT OF THE PALM PROJECT – A CHANGING WORLD

From 20th to 21st century: Knowledge economy to knowledge society

One of the defining features of the global political and economic landscape over the last century has been the incremental growth of the importance of knowledge production as the driving force of the global economy. An expansion in the variety and power of mass communication technologies has led to an accelerating growth in the global reach of communications and to the rise of mass media controlled by global corporations. Increasingly, knowledge rather than physical resources or industrial infrastructure has become the driving force of global economies (David and Foray 2002).

From the 1960s, growth in intangible capital in the form of investment in knowledge production began to overtake capital investment in physical infrastructure and natural resources, with investment in research growing steadily (David and Foray 2002: 10).

From the 1970s onwards there was a proliferation of knowledge-related jobs, with an increasing concentration of large capital business in the hands of global corporations. Business models in increasingly consolidated communication multinationals were built on the ownership, control and commercialisation of intellectual property (IP) – in an environment where mass production technology needed major investment – and communication increasingly became a one-way passage, with consumers in a passive and undifferentiated role. The dominant business model of the knowledge economy has been the ownership, control and commercialisation of IP – and thus of content in the publishing industry – in an environment in which mass-production technology needed major investment (Benkler 2003; David and Foray 2002).

This business environment resulted in an increasing emphasis on the enclosure of IP, as the media industries lobbied for greater protection by way of increased copyright terms, expansion of copyright protection to products such as databases, a reduction in exceptions and aggressive enforcement measures (Lessig 2004, 2008; Boyle 2008). The ease of copying offered first by the photocopier and then by the networked computer could be seen by the media giants both as an opportunity for greater revenue earning from new licensing models and, especially in the US, as a threat requiring tightening of IP control through legislation such as the Digital Millennium Copyright Act (DMCA) and aggressive use of litigation to control user behaviour – particularly in the music industry (Haupt 2008; Lessig 2008; Kot 2009).

Emerging from this landscape, from the late 20th century into the 21st century, the growth of internet communications has also led to new possibilities for democratic and

open global networks for knowledge dissemination, something that could be seen as a countervailing force to the capitalist drive of the knowledge economy. This has come to be known as the knowledge society, or the networked society. The internet in the 21st century offers the possibility of radically decentralised participation in communications. Pervasive networked internet communications, using low-cost processors, allow for non-market production and increased participation in the knowledge society (Benkler 2003, 2006; Lessig 2004; Guédon 2008). As Benkler writes in his seminal book, *The Wealth of Networks*:

The change wrought by the networked information economy is deep. It is structural. It goes to the very foundations of how liberal markets and liberal democracies have coevolved for almost two centuries. A series of changes in the technologies, economic organisation and social practices of production in this environment has created new opportunities for how we make and exchange information, knowledge and culture. These changes have increased the role of non-market and non-proprietary production, both by individuals alone and by cooperative efforts in a wide range of loosely or tightly woven collaborations. (Benkler 2006: 1–2)

The rise of the knowledge society therefore offers opportunities that could be particularly important to developing countries, which find themselves at a disadvantage both in access to technology and information networks: opportunities to democratise the production and dissemination of knowledge, away from the domination of the media companies of the global North.

In understanding the potential of these developments for African publishing and communications, the PALM project interrogates the potential that the internet brings, both to make the commercial knowledge economy work more effectively to provide A2K in Africa and to use new, collaborative, non-proprietary knowledge developments and approaches to address some of Africa's urgent development needs. However, in distinction to most open access projects, PALM also explored the potential for a combination of open and commercial approaches.

ACCESS OR PARTICIPATION?

In the early stages of the PALM project, the main focus was on the opportunity that flexible licences could offer to ease the process of adaptation and translation of international

textbooks. In other words, the core advantage of flexible licensing was perceived to be that of better *access* to existing resources from the global North.

The PALM international intervention – a question of access

It was in this spirit of improving access to knowledge in Africa that Frances Pinter, the project's international lead, held discussions with the United Nations publishers from the different UN organisations and with commercial publishers in the global North to identify potential for making content from the global North available for adaptation and as lower-cost editions in Uganda and South Africa.

Although discussions were held at two Frankfurt Book Fairs and progress was made, particularly with the publishing divisions of the United Nations and World Bank (see below, pp. 73–74) and with a number of publishers who might be potential partners in inter-country flexible licensing programmes, ultimately the African publishers chose to work on growing the exposure of their own publications through flexible licensing in their demonstration projects.

PALM and African publishers – a question of participation

For the most part, the publishers participating in the PALM consultative process and in demonstration projects in both Uganda and South Africa were more interested in the use of open licensed content as a marketing exercise to encourage sales of their locally produced books than in adapting foreign content. In other words, their strategic aim was to grow the effectiveness of their own publications and the *participation* of African publishing in global knowledge production.

Those publishers that fell outside of the commercial publishing sector proposed a variety of potential uses for flexible licences, including the development of open online content databases to provide a resource for adaptations and popularisation of scientific knowledge; the publication of conference proceedings and scholarly journals; the use of open content in training programmes; and the application of open licences to the digital versions of the publications of an agricultural research organisation to extend their reach and clarify the uses that could be made of these materials.

In addition, late in the PALM South African programme, Arthur Attwell of Electric Book Works, a small digital publishing company, proposed and ran a pilot demonstration project exploring the potential for using online flexible licences for delivering print on demand through photocopy shops in Africa.

FLEXIBLE LICENCES

In referring to flexible licences, the project proposal alludes to a variety of ‘copyleft’ and ‘some rights reserved’ licences that have developed in the last decade to extend the range of options that authors can exercise for the use of their work. Where traditional copyright automatically provides an ‘all rights reserved’ licence for any work that is produced in print or digitally, preventing any unauthorised copying or transformation of the work, Creative Commons licences², for example, now used for nearly 300 million works worldwide, offer the opportunity to allow for a variety of free uses while protecting the attribution of the work to the author.

An ‘open licence’ means a global, irrevocable, perpetual, royalty-free licence open to any person, which enables reproduction or use of intellectual property according to the terms of the licence. Such terms may include a requirement that any intellectual property derived from or incorporating the original intellectual property shall be available under the same or equivalent licence. Licences such as the GNU General Public Licence and Creative Commons Attribution Share Alike licence incorporate these copyleft terms. Another possible limitation is a ‘non-commercial’ term which limits copying and re-use to non-commercial activities. Some open licences such as Creative Commons have plain language explanations of the terms built into the licence itself to ensure that users understand the licence.

Open licences authorise the re-use of material in terms of the licence anywhere in the world. In other words, material under an open licence operates like the internet in ignoring political boundaries to enable the sharing of knowledge. Because an open licence operates in every legal jurisdiction, a person who re-uses materials under an open licence only needs to comply with the licence and does not need to enquire if such use is permitted under some other provision (Rens 2009).

The PALM programme aimed to explore realistic, sustainable models that take into account the complexities of local publishing and the realities of global publishing as it impacts on Africa. It was hoped that the solutions that might emerge from this kind of action research would discover truly viable models – ranging from alternative business models in market sectors in which the ‘free online’ open access model could be sustainable, to more complex models combining the commercial and the ‘free’ in various ways. In taking this approach, the project aimed to leverage what had been identified (particularly in scholarly publishing) as advantages for developing-country publishers, of increased international reach, expanding readership and increased impact (Kirsop, Arunchalam and Chan 2007).





The Human Sciences Research Council Press (HSRC Press) in South Africa also provided a positive example of how a dual-stream, digital, open access and print for sale

model could expand readership and raise the profile of social science books (Gray, Bruns and van Schalkwyk 2004).

CREATIVE COMMONS LICENCES

Creative Commons licences allow for a number of uses that would normally be prohibited by ‘all rights reserved’ copyright notices.

Figure 2: Creative Commons licences

BY	SA	NC	ND
			
You let others copy, distribute, display, and perform your copyrighted work – and derivative works based upon it – but only if they give credit in the way you request.	You allow others to distribute derivative works only under a licence identical to the licence that governs your work.	You let others copy, distribute, display, and perform your work – and derivative works based upon it – but for noncommercial purposes only.	You let others copy, distribute, display, and perform only verbatim copies of your work, not derivative works based upon it.

The genesis of the PALM project can be traced back in part to a workshop held in London in 2006 to discuss the future of what was then called the Creative Commons ‘developing nations’ licence. This was an attempt to set up a licensing regime that would allow easy licensing of content from the north to the south, allowing for free adaptation or reprinting for developing country use. An early pioneer of this concept was Cory Doctorow, who published his science fiction writing with licences that left rights open for developing countries.³

The CC+ protocol

While the Creative Commons developing nations licence was eventually discontinued because of problems in defining which countries qualified as ‘developing’ and what licensing activities could be permitted, the CC+ protocols now provide a means of adding additional information for content users, irrespective of geographical location, to contact rights owners to negotiate (and pay for, if necessary) variations in licence terms, for example for commercial use of content licensed with a ‘non-commercial’ licence.

³ See <http://www.craphound.com>

As Creative Commons describes this licence:

CC+ is a protocol providing a simple way for users to get rights beyond the rights granted by a CC licence. For example, a work's Creative Commons licence might offer noncommercial rights. With CC+, the licence can also provide a link by which a user might secure rights beyond noncommercial rights – most obviously commercial rights, but also additional permissions or services such as warranty, permission to use without attribution, or even access to performance or physical media.

The CC+ architecture gives businesses a simple way to move between the sharing and commercial economies. CC+ provides a lightweight standard around these best practices and is available for implementation immediately.⁴

ACAP

Another development that was prominent in framing the thinking behind the PALM project was the Automated Content Access Protocol (ACAP), developed by the World Association of Newspapers and the International Publishers' Association.⁵ The idea behind this protocol is to provide easy management of open and commercial rights transactions to eliminate inefficiencies and create a seamless, largely invisible and painless way of providing licensed access to content – whether attached to a toll or not. The protocol is still in development and has been supported more by the print media industries than publishers in its initial stages. It is designed to be a fully automated licence that would reduce transaction costs and barriers, allowing for rapid and painless negotiation of permissions and terms for re-use of online content.

However, there are critics of ACAP who claim that it is the tool of an industry organisation for the media industries that aims to recover payment for every small usage of content that should be covered by fair dealing and is as a result eroding the rights of users (Patry 2008).

The US Copyright Clearance Centre has incorporated elements of the ACAP automated licensing in its Rightslink service, 'providing content users with instant reprint and permission services, 24/7, worldwide'. This allows for automated permissions according to criteria set by publishers and offers automated collection of royalties and permission fees.⁶

4 <http://wiki.creativecommons.org/Ccplus>

5 <http://www.the-acap.org/>

6 <http://www.copyright.com/viewPage.do?pageCode=pu4-n>

The potential of flexible licences in Africa

In the African context, the PALM programme proposed, these flexible licences could offer ways of offsetting some of the obstacles publishers face, such as small markets (resulting in small print runs and high prices), distribution barriers between countries and multiple languages, as well as simply reducing the costs of licence transfers. Open access online publications have the ability to reach beyond national boundaries, providing wider exposure than is possible with print publications.

However, print is often needed in Africa; moreover, with the rapid growth of ebook formats, there is likely to be a need for African publishers to provide commercial licences for ebook publication. Protocols like CC+ and ACAP could provide easy and automated ways of negotiating POD printing, ebook development, territorial licences for publishing or printing in other countries, and translation rights.

At present, the subsidiary licensing systems through which deals like these are negotiated are dauntingly complex and often too expensive for Africa publishers as a result (Chakava 2010a; 2010b); this was argued by Arthur Attwell, one of the South African PALM participants, in his speech at the 2010 O'Reilly Tools of Change for Publishing conference in New York (Attwell 2010). This speech was reported with approbation by bloggers attending Tools of Change and lauded as an example of innovative thinking coming out of the global South.⁷

CHANGING PUBLISHING MODELS

The one constant in publishing and communications companies in the 21st century is that there will be change. The PALM workshops identified a number of trends with which publishers must contend as internet communications change the landscape of media of all kinds. Positive benefits are that the dissemination of content has been made fast and cost-free – where connectivity is available. However, this does not come without investment in technology infrastructure and online skills, issues that arose in the context of the PALM programme. Moreover, although the potential for self-publishing by individuals and organisations is enhanced in the digital realm, given that investment in expensive print runs is no longer needed, there is nonetheless a need for investment in publishing and marketing skills if these publications are to succeed in reaching their readership.

There are a number of perspectives on the ways in which publishing is changing, making it bewildering for publishers trying to understand the terrain.

⁷ Electric Alphabet: [http://www.electricalphabet.net/2010/02/26/themes-of-toc2010/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+ElectricAlpha Booksquare:http://ow.ly/1cFHv](http://www.electricalphabet.net/2010/02/26/themes-of-toc2010/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+ElectricAlpha+Booksquare:http://ow.ly/1cFHv)

Alternative business models

A review of new business models in an increasingly digital environment provided perspectives for potential uses of flexible licensing models in the participating PALM countries.

Table 2: Typology of new business models

Type	Free to consumer	Paid for by consumer	Other revenue
Freemium	Downloads of samples or full text Supplementary materials	Printed books Multimedia DVD / CD	Advertising Affiliate sales
Author pays	Downloads of full text	POD (print costs only)	Author pays costs
Open educational resources (OERs)	Course materials	Registration fees (lectures, accreditation, qualification)	Institutional funding
Open access	Downloads of full texts Can grant rights to customise	Consumer POD (zero margin for author or publisher). May involve sales of printed books	Institutional funding Sponsorship Advertising Affiliate sales

Key ideas that emerged in the process and that underpinned thinking about new business models in Africa were:

- In the ‘attention economy’ in a content-rich digital world, IP protection of content ceases to be the key determinant of the publishing business model (Davenport and Beck 2001). In this context, African publishers would need to develop skills and expertise in online marketing and distribution to attract readers to their sites, particularly given the marginalisation of African content in the world and the substantial increase in exposure that effective searchability offers;
- Linked to this is the distinction between the ‘scarcity model’ of the print environment and the ‘abundance’ model of the digital space, in which value-add and service begins to dominate (Anderson 2008; Shatzkin 2009; Epstein 2009);
- The importance of community in social media marketing and crowdsourcing as a way of publication development in an interactive, web 2.0 world; and
- The need for realigning strategic thinking in a very rapidly changing world and the difficulties experienced by the larger publishers in achieving strategic flexibility.

In both countries, participants expressed the need for print on demand capacity, as part of a new business strategy to facilitate inter-African trade. This would enable free online versions of publishers’ books to trigger print orders in other countries. CC+ protocols, although not explored in the course of the PALM study, could be further researched as a way of simplifying rights negotiations.

Changes in the publishing environment

Some key trends emerging in the changing digital publishing environment are particularly relevant to the African context:

The internet offers increased opportunities for **self-publishing**, supported by digital platforms and tools for product development and distribution. This is particularly the case in the university sector, with librarians, particularly in the global North, playing an increased role in university publication (Willinsky 2006; Shirky 2008). The PALM project revealed a number of development-focused publishing initiatives in which research and development agencies are producing their own publications in Africa. The question is what new media and new business models could offer in this context.

Cooperative and collaborative production is also enabled by the internet, with social media being used for community development and feedback.

Emerging publishing models favour **niche markets** and customer focus above a focus on content and product range. Publishing strategist Mike Shatzkin argues that publishers need to change their business model from a product-centric to a community-centric approach (Shatzkin 2009). In the face of an expanding internet, he argues, the conventional media businesses are in decline. What will happen, he suggests, is that licencing will be needed for everything – flexible licensing that will allow a variety of uses. Scribd,⁸ the social publishing site on which people can post content for ebook delivery, is one example that he provides. In this world, curation is important, and ‘everything will happen in niches’. The ‘ownership of eyeballs’ becomes more important than the ownership of IP.

The world Shatzkin anticipates is therefore one that coincides with the vision of PALM Africa: databases and networks, with flexible licensing linked to POD and digital product development of niche products in a vertical market. Targeting markets becomes a key publisher skill, as does understanding and relating to communities of writers and readers.

In this customer-focused environment, Professor Jason Epstein predicts that in a **radically decentralised marketplace**, ‘traditional publishing functions [such] as publicity, design, marketing, legal, record keeping and so on will be sub-contracted, as will web marketing and design’ (Epstein 2009). This casts an interesting light on the publishing service companies that emerged in the PALM study, offering the kind of decentralised services that Epstein predicts, as well as the mixture of commercial and altruistic motives that he describes as being at the heart of the traditional publishing enterprise.

The internet has offered publishers the opportunity to get revenue from titles that they would previously have remaindered, titles that Chris Anderson has described as ‘**the long**

tail'. Stock can be held digitally and printed to order, allowing publishers to keep old but valuable titles alive and making space for niche publishers to make a living out of small markets. Customer bases can be built around **social networking and customer feedback** which informs sales targeting (Anderson 2008). Out of this changed market environment have come businesses like Lightning Source, which produces **aggregated short print runs** of books that are temporarily out of print or are low-volume sellers. University presses and small specialist publishers in many cases now produce their books exclusively in this way. Many African books are distributed through Lightning Source in the UK and US markets by the African Books Collective.⁹

The ability to derive commercial benefit from small print runs and niche markets along the lines of the long tail should be of benefit to African publishers, with their small and fragmented markets, if only a viable model can be found for delivering POD or ebook publishing.

Publishers now aim to curate content with the idea of distributing it through as **many media channels** as possible: print, ebooks, mobile phones and the internet. Exploitation of digital content depends more upon licencing than on copyright protection: the aim is to exploit the potential for payment per download rather than the sale of a product alone.

The new publishing model is therefore one of digital content databases capable of sending content to multiple media channels. Given the difficulties of cross-border trade in African publishing and the limitations in internet connectivity, the capacity to produce products appropriate to the local context is potentially important.

EBOOKS AND READING DEVICES

In 2009, the idea that has been mooted for some time – of reading electronic books on digital reading devices – finally took off, after many false starts. The Amazon Kindle, the Sony eReader, and (in 2010) the much-hyped Apple iPad all offer the possibility of buying, downloading and reading ebooks, offering clear potential for remote markets such as the African market, with its distribution barriers for print products. Because these devices operate on cell phone and wireless networks they may possibly pose fewer technological barriers in Africa than other internet publications do.

Once again, however, the problem is the obstructions caused by territorial licencing. It took Amazon a few years to clear distribution rights in order to sell into markets outside the USA and books in these markets tend to be more expensive as a result of the

9 <http://www.africanbookscollective.com/>

rights complications. However, in early 2010 two South African companies started their own ebook supply businesses, a sign that there might be potential for the development of an inter-African ebook market. The fact remains, however, that the territorial rights regime does not recognise the seamless world of the internet – to the disadvantage of those outside of the major knowledge-producing countries; and, publishing strategists such as Shatzkin and Epstein argue, the question is not if but when this will change (Shatzkin 2009; Epstein 2009).

PUBLISHING TO CELL PHONES

An alternative already being explored in Africa, which is ahead of the USA in cell phone technology, is the potential for cell phone delivery of publications (Walton 2010). One of the participants in the South African PALM Publishers' Workshop had run an experimental cell phone novel publication, Novel Idea. As reported in the UK trade magazine *The Bookseller*,¹⁰ this involved the use of established authors, sponsorship for a prize from a cell phone provider, and the establishment of a community of readers through a vote for the best story.

Another cell phone writing experiment is being carried out by Steve Vosloo at the Shuttleworth Foundation, in collaboration with researchers from UCT, in which the M4Lit project¹¹ published an experimental story, *Kontax*, via cell phone in English and Xhosa and attracted 28 000 teenage subscribers (Walton 2010).

However dynamic the cell phone potential might be in Africa, with the widespread penetration of cell phone networks, there are drawbacks. One is the size of the device and the limitations of a small screen. More complex issues of access and freedom were argued at an IDRC-sponsored forum, the Publius Project, at the Berkman Institute at Harvard in 2009. At this forum Randy Spence and Matthew Smith argued, drawing on Sen's capability theory (Sen 1998; 2009), that cell phones offer substantial advantages in increasing capabilities, strengthening social choice and encouraging innovation.¹² Yochai Benkler, on the other hand, cautioned that there is a need for more powerful computational capacity for deeper and longer-term development and that cell phones, in this regard, suffer from the fact that they are dependent upon proprietary networks, a less radical disruption of traditional power hierarchies and 'a less radical redistribution of capabilities'.¹³

It will be valuable to explore further the potential of cell phones for more democratic

10 <http://www.thebookseller.co.uk/blogs/67789-stories-put-to-the-text.html>

11 <http://m4lit.wordpress.com/about-the-project/>

12 http://publius.cc/dialogue_icts_human_development_growth_and_poverty_reduction/091109

13 http://publius.cc/capital_power_and_next_step_decentralization/091609

publishing in Africa; however, the deeper issues would need to be explored alongside the pragmatic and strategic advantages.

THIS REPORT

Part One of this report starts out by surveying African publishing and the context in which it operates, including its position in global trade and civil society knowledge production. Where most reviews of this kind focus exclusively on the commercial publishing sector, an important finding of the PALM report is the unacknowledged importance of the range of publication operations carried out by a variety of ‘informal’ and non-commercial publishers, publishing service companies, NGOs and research organisations, some with publishing as their mainstream operation and others for whom publication output is only part of their core operations.

The profile of Africa in global publishing cannot be evaluated without engaging with the question of the power dynamics that frame the participation of Africa and other developing countries in the knowledge economy and the knowledge society. The report argues that copyright law and international IP trade treaties are built on a neo-colonial base that emerges most strongly today in the exercise of territorial rights, identified as a major barrier to A2K in Africa and to Africa’s ability to benefit from new developments in digital publishing. This is particularly damaging in that it blocks considerable potential for providing digital solutions to problems of effective African knowledge dissemination.

In Part Two, the report moves to the specific context of the PALM Africa programme, reviewing the context for publishing and knowledge dissemination in the two participating countries, South Africa and Uganda. While South Africa, as a middle-economy country, has a fairly large publishing sector, Uganda’s publishing industry is small, operating in difficult circumstances, but asserting its importance in a more favourable national policy environment.

In Part Three, the report describes the demonstration projects that were undertaken in the two countries and the insights that were gained into developing country publishing and the contribution that flexible licences could make.

Finally, the report summarises the conclusions drawn from the programme and provides recommendations for future research initiatives and development interventions.

PART ONE

African publishing in a changing world

In a world economy driven by knowledge and information, the production and sharing of knowledge within Africa and between Africa and the rest of the world is a critical factor in the continent's ability to meet its social, cultural, economic and development needs. Equally important is the recognition of the ways in which communication is changing in a digital world and of the potential that the internet could offer Africa in overcoming barriers to access to knowledge (A2K) and enabling wide dissemination of Africa-generated publications.

However, in the PALM research study African publishing emerged as a neglected area, not fully recognised as a strategically important development sector, as are print and broadcast media, for example (UNESCO 2005; 2008).

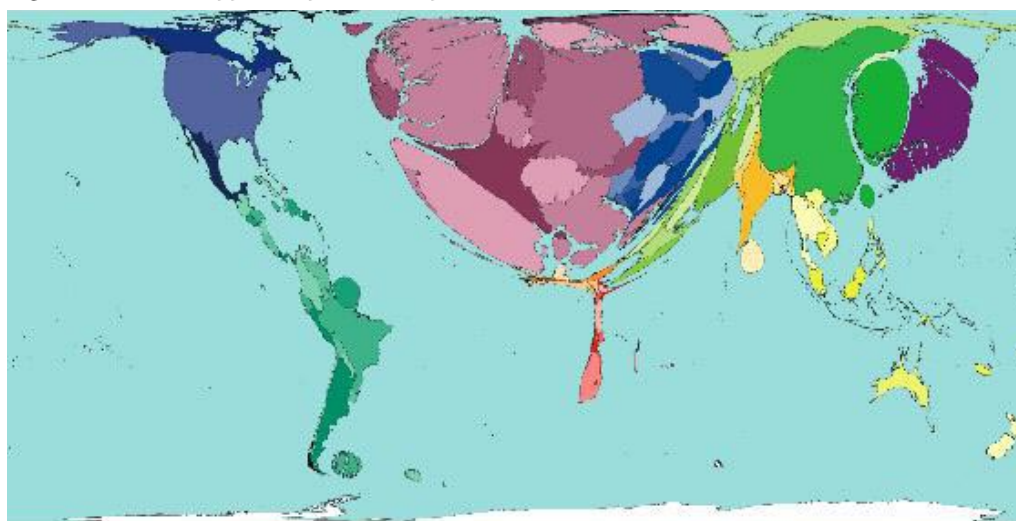
1.1 THE MARGINAL POSITION OF AFRICAN PUBLISHING GLOBALLY

The core problem that PALM Africa addressed is that Africa, which needs the development impact of knowledge production and dissemination more than any other continent, occupies a marginalised position in global knowledge output through its

formal and non-commercial publishing activities. Although detailed figures and accurate in-country information on publications and knowledge production are difficult to come by (UNESCO 2005: 36), inter-country trade statistics for book publishing, for example, demonstrate a continuing dominance by the high-income countries in global knowledge production, resulting in a situation in which knowledge products in the developing world are heavily dominated by imports from the global North. In 2002, high-income countries accounted for 86.7% of all exports of books in a US\$11.5 billion world market, while Africa registered insignificant levels of trade (UNESCO 2005: 36). Africa's share of all book exports in 2002, at \$35.2 million, was 0.3%; its imports, at \$269 million, were 2.3% of world trade (UNESCO 2005: 64, 66). The two countries in the PALM study, South Africa and Uganda, reflected only US\$19 million and US\$153 000 respectively in inter-country trade in books in 2002 (UNESCO 2005: 59).

This situation is graphically represented in a world map showing the profile of Africa in world publishing, with the projection of the countries distorted to show the volume of

Figure 3: Worldmapper maps – Books published 1999



Copyright 2008 SAS Group, University of Sheffield, and Mark Newton, University of Michigan

books published in each country.

These trade figures reflect the formal book publishing industry: for-profit publishing. However, the 2005 UNESCO report on the flows of cultural industries acknowledges that this is an under-researched field, in which it is difficult to analyse accurately the extent to which growth in the trade in cultural goods is in fact addressing questions of global imbalances, arguing that 'it is difficult to assess whether these expanding markets are able

to reduce the gap in access to and circulation of cultural products' (UNESCO 2005: 11).

1.1.1 The role of non-commercial, developmental and 'grey' publishing

This perception of a gap in the understanding of publishing activities in African countries was borne out in the two country studies of the PALM Africa project, which found that there was limited accessible research available on the publishing industry in Africa and even less on the role played by non-industry, developmental publishing of various kinds, often dismissed as 'grey' publishing.

This kind of publishing covers a wide spectrum, in a continuum from the fringes of the commercial sector to entirely not-for-profit ventures, and tends to have as its primary focus the public good rather than profit generation, being donor- or government-funded, although a number of these publishers also aim at a level of financial sustainability.

'Grey publishing' is normally defined as the output of organisations that do not handle publishing as their core operation. This definition conflates the publication of ephemera with more serious developmental research publication. In the age of print, such publications were difficult for librarians to track, as they lacked bibliographical management or ISBN numbers for the most part, and tended to have little reach beyond the distribution of a print run to a targeted constituency. While in the past the term was used most often for research outputs such as policy papers and technical reports not published through formal channels, such as journals or books, it is also a feature of research-based NGOs working in community development, particularly in the developing world.

If one draws a distinction between grey publishing and ephemera (such as brochures and publicity material), it would seem that the defining feature of this kind of publishing is not format or content, but the approach to distribution, in which dissemination and access are not seen as predominantly commercial activities, as they are in commercial publishing. The advantages of online non-commercial publishing channels for research publications, for example, include the ability to publish more detailed reports than journal articles allow, to address audiences – such as policy-makers or community workers – other than the fellow scholars targeted in formal publications, and to achieve a speed of publication not possible through more formal publication channels (Schöpfel 2006).

The rise of digital publishing has changed the nature of this non-commercial publishing sector that has in the past been dismissed as 'grey', the greyness being a matter of the difficulties of distribution and bibliographical tracking in the print era. In the PALM programme and in the Opening Scholarship intervention at the University of Cape Town, it emerged that a number of research organisations now tend to place reports, policy papers, and community extension materials online on their websites. Online

availability provides ongoing access to a potentially wide readership. In Africa, with its scarcity of locally-generated publications, what is striking is the lack of attention paid to this publishing sector and a failure to recognise the major contribution that it could make to critical development fields such as agriculture (Yudeowei 2007: 51) and health.

1.1.2 Redefining 'grey' literature

Schöpfel identifies the following five issues that need to be addressed if full benefit is to be obtained from grey literature in a digital world (Schöpfel 2006: 8–9):

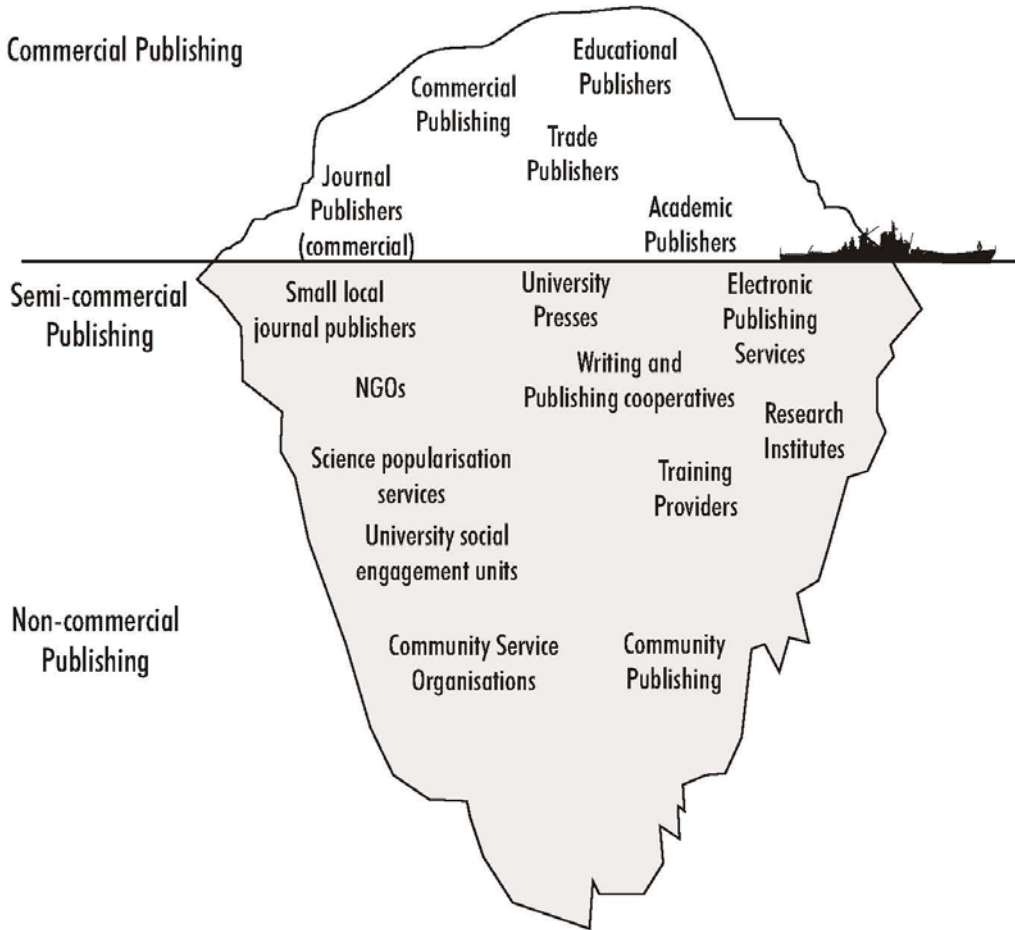
- The need for a new definition, particularly in a world of digital distribution.
In the PALM project, it emerged that there was a range of publishing activities taking place outside of the commercial sector and that there was no satisfactory definition or understanding of these kinds of activities;
- The need for new archiving practices, including the role of the open access movement, in making these publications available and accessible;
- The need for an economic or sustainability model for activities that are not in fact free of costs, as self-publishing and grey publication continue to grow;
- A review of changes in the publishing value chain that could offer an understanding of the radical changes that are taking place: 'The impact of new technologies of information and communication on non-commercial circuits is a complex matter that has been little analysed to date – and the potential field for research is vast', Schöpfel argues (9), and
- An analysis of legal intellectual property issues.

To this list could be added, especially in Africa, the need for investment in capacity-building in writing, publishing, production, illustration and marketing skills, in order to grow the volume of locally relevant publications focused on regional development needs. Yudeowei, writing of agricultural development needs, argues for the establishment of a special project to build African capacities in the writing and publication of agricultural science books for education and development, including training workshops for illustrators and agricultural science teachers (Yudeowei 2007: 51).

The PALM Africa project has been able to supply valuable insights into a variety of publishing models, through the case studies of publishers participating in the project. This has provided an increased understanding of the nature of print and digital knowledge production in Uganda and South Africa and of the mixture of commercial and non-commercial publishing practices taking place, providing a lens through which further research investigations could productively be contextualised.

In particular, the contribution identified by the PALM programme that is made by African publishers is marginalised through its definition as 'grey'. This definition casts

Figure 4 – *The iceberg of publishing*



it as inferior to the formal, commercial global publishing sector, something that some commentators claim obstructs African publishing development.

1.1.3 Power relations and hierarchies in knowledge production

As the Kenyan doyen of African publishing, Henry Chakava, has identified, the power politics of world publishing prevents African publishing from achieving both recognition and relevance simultaneously, yet there is a serious shortage of publications grounded in African culture and focused on African needs (Chakava 2010). Equally, the scholarly system of reward and recognition favours international publication over local, formal journal publishing over development publications, 'basic research over applied research;

and depends upon definitions of “global relevance” that marginalise the concerns of over eighty per cent of the world population in the developing countries’ (Guédon 2008; Gray 2008, 2010; Abrahams *et al.* 2010).

Only the tip of the iceberg is fully acknowledged: for-profit publishing. Publishing for the public good is below the waterline.

While the standard bibliography of African publishing – Hans Zell’s *Publishing, Books and Reading in Sub-Saharan Africa* – does track the full range of works on African publishing, from government and official publications, reports and surveys to theses and dissertations, alongside more formal publications on the sector (Zell 2008), national surveys of publishing output do not take the same approach. This means that in southern African libraries, much of this material is not curated; nor does the national bibliography track them, as the Ugandan PALM programme discovered.

A further unacknowledged problem is that publishing tends not to be identified as a sector in need of development support in the discourse of ICT4D, with the print and broadcast media identified as a sector for development attention, but not book publishing. For example, UNESCO’s Communication and Information division has a programme for Media Development, which aims to ‘strengthen the capacities of communication institutions, to improve the training of media professionals and to raise awareness among the public in making best use of communication resources’. Equally, government and donor support tends to focus on community newspapers and broadcasting more actively than on community or public good publishing. In the universities, the reversioning of research for the purposes of community development is generally relegated to a marginal position, regarded as part of the institution’s corporate social responsibility programme rather than a core research function.

1.2 THE KEY PROBLEMS FACING AFRICAN PUBLISHERS

In his Introduction to Hans Zell’s bibliography (2008), the Kenyan publisher Henry Chakava sets out the constraints on African publication that contribute to the situation described in the UNESCO publishing industry statistics given above. He describes a situation in which the influence of multinationals is waning, African authoring and publication of school textbooks and children’s books has grown substantially, while scholarly and academic publishing remains predominantly in foreign hands. There has been an increase in African-based publication of fiction, he argues, but publishers struggle to get Africa-wide appeal. There are problems of capacity and skills, leading to

quality deficiencies. Chakava identifies a high level of NGO involvement in publishing, in the form of organisations that set up their own operations, or use the services of local or international agencies (xlii).

While in recent years the World Bank has encouraged private sector publishing in Africa, contributing to growth in African publishing, Chakava argues that it has driven up prices by insisting on high technical specifications that have tended to channel printing out of Africa into Asia.

Reviewing Zell's bibliography, Francis Nyamnjoh (2009) summarises the challenges that face African publishing:

- Heavy dependence upon schoolbook publishing and donor support;
- Difficulties in ensuring the visibility and recognition of African publication, in the face of 'administrative censorship and high rejection rates at the hands of multinational publishers';
- Governments more concerned with putting books on desks than ensuring the development of local content and local publishing;
- Language difficulties, invisibility, poor reputations of publishers and insufficient marketing and distribution;
- Lack of sufficient resources and skills to achieve high quality; and
- The politics of the cultural economy of publishing that 'prevents [publishers] from getting both recognition and relevance simultaneously'.

Most of these issues were addressed in one way or another during the course of the PALM project.

1.2.1 Systemic issues in African publishing

The African publishing sector is small¹⁴ and is dominated overwhelmingly by the production and sale of educational materials at the level of primary and secondary schooling. An oft-cited 2000 statistic is that Africa's contribution to world book output is estimated to be in the region of 3%, suggesting that African publishing remains in its infancy.¹⁵ The more recent UNESCO statistics cited above show that there is continuing dominance of the high-income countries in global knowledge production, resulting in a dominant import practice in Africa. When it comes to indigenous publishing,¹⁶ as in any emerging free mar-

¹⁴ The African Publishers Network (APNET), formed in 1992, brings together national publishing associations from 45 countries. Some statistics are available on the industry profiles from member countries but the data is not comprehensive, relying on voluntary participation in the continental survey and disjunctive terminologies.

¹⁵ APNET/ADEA research, 2000.

¹⁶ It needs to be noted that when African publishers use the term 'indigenous publishing', they are referring to publications by Africans, for Africans, published in Africa; not, as some Northern commentators have assumed, to issues of 'traditional knowledge' (TK) or 'indigenous culture' as defined in TK parlance.

ket, control tends to pass to the party most able and willing to handle the capitalisation necessary to achieve its market potential. Hence the preponderance of publishing companies in Africa which are subsidiary companies of international principals.

Donor funding has been focused on creating trade routes and networks of publishers, but not necessarily on the developmental role that publishing might play within national contexts (Chakava 2010a: 118–20). The over-dependence of Africa on donor programmes and seasonal World Bank textbook programmes has tended to grow the emphasis on procurement, to the detriment of a capacity-building approach aimed at greater African participation in world publishing.

Henry Chakava complained vehemently in a recent interview with a South African literary journalist, Victor Dhlamini, that publishers in the global North were not keen to negotiate rights with African publishers for local editions or translations, but preferred to maintain their control over the African market in anticipation of profits (Chakava 2010b). It is in reaction to the controversy of cultural hegemony in post-colonial Africa that the indigenous commercial sector of the publishing industry in most post-colonial states has grown, Chakava suggested, rather than the prospect of great financial return. African publishers and writers often appear to seek exposure for African cultural and knowledge content, rather than commercial gain alone and commercial success can be elusive. Inter-country trade is difficult, making export sales a difficult option for increasing viability through increased print runs. The margins on books are very low and the size of the reading market is small, relative to the size of the population.

A recent study by the South African Book Development Council, commissioned by the South African Ministry of Arts and Culture, reveals that the narrow profit margins that result are shared fairly equitably between publishers, distributors and booksellers and that, in a context of scarce resources, the marketplace is highly competitive (Genesis 2007).

Indigenous language barriers

A further problem in Africa is that a multiplicity of indigenous languages creates a fractured and disempowered educational environment. Uganda has over 56 indigenous languages and South Africa has 11 official languages. Mother tongue tuition remains an ideal rather than a deliverable in both contexts. Flexible licences could offer options for easy translation rights clearance or for the granting of open access, free translation rights, but at the moment this option is not being exercised.

1.2.2 Connectivity and internet access

The internet, with its ability to transcend geographical boundaries and potentially to transcend 'the politics of the cultural economy of publishing', could provide answers for African publishers. However, a further problem is posed by the digital divide: the very poor levels of internet connectivity on the African continent. That said, access to the internet is growing steadily and might see a very substantial growth in the near future as a result of a liberalisation of internet policy and the landing of new undersea cables (TEAMS, SEACOM and EASSY) and a consequent opening-up of connectivity and competition in the region.

By 2009 there were an estimated 27 590 fixed-line subscriptions and 310 058 active mobile wireless internet accounts (up from 166 621 in the previous year) in Uganda, according to the Uganda Communications Commission.¹⁷ However, there were an estimated 2.5 million internet users (GIS Watch 2009; 216). The Ugandan government has embarked on a programme to lay optical fibre to improve this situation, with the first phase already completed and the aim to link the whole country (GIS Watch 2009; 219). Both internet subscriptions and the number of internet users increased more than tenfold from 2005 to 2009 (UCC 2009).

In South Africa, the internet research agency World Wide Worx has estimated that by the end of 2011, there will have been a 150% increase in undersea cable capacity in Africa. In South Africa, ADSL lines increased to 738 000 in 2010, up from 48 000 in 2004. However, the major increase is in wireless broadband, with 1.5 million subscribers.¹⁸

It would appear, therefore, that further outcomes arising from the PALM project could build on the potential for internet connectivity, and in particular wireless connectivity, to underpin greater accessibility for African publications to more effective participation in the global knowledge economy, based on these growth predictions.

What will remain a problem in this domain, the PALM project found, will be levels of internet skills and particularly the ability to manage online content development.

1.3 MARKETING AND A CHANGING VALUE CHAIN

Marketing and promotion are essential to the publishing process. According to UNESCO statistics, however, African publishers spend a mere 1% of their revenue on marketing, while northern publishers spend 10–15% on marketing and promotion.

Historically, marketing and promotion have led to the sale of titles to retailers, who

¹⁷ <http://www.cc.co.ug>

¹⁸ Goldstuck, Power Point presentation, 2010

then earn their margin by reaching the customers directly. It was a clean, hierarchical structure. It remains an important relationship within the book value chain.

But times have changed to such an extent that authors are self-publishing, withholding certain rights, and self-promoting through social media networks. Authors appear to be more aware of their role within the broader community than ever before; and the value that publishers and booksellers bring is being questioned. The notion of value has changed with the advent of new technologies, and the justification that capital investment creates a power relationship is no longer watertight. Publishers are hard-pressed to demonstrate to authors how innovative and resourceful they can be in order to maintain the relationship. Similarly, book retailers are seeking new ways of managing their place in the value chain.

All the while, many African publishers continue to face deeper challenges of poverty, massive illiteracy, misguided curricula and wastage in the formal education system, poor and under-developed book reading and buying habits, as well as a hostile living environment characterised by inferior housing with little or no electricity. They battle to manage book prices, governmental relations, small markets and intra-African trade barriers.

How, then, can the African book industry best manage its weak infrastructure and the nascent superstructure of ambitious but inexperienced authors and researchers, grossly underfunded and poorly-regarded publishers, printers, booksellers and readers within a context of difficult communications? How can publishers increase book traffic within Africa and beyond?

1.4 WHERE CHANGE IS HAPPENING IN AFRICAN PUBLISHING

Given that distribution channels remain the largest barrier to the growth of publishing as an indigenous African industry and to author development and recognition, some initiatives have been introduced in recent years which serve to protect the Achilles heel of African publishing. The sector of the industry that appears to be the most experimental is academic or scholarly publishing. Perhaps it is the very nature of scholarly publishing that has prompted this development. It stands to reason that a niche publishing environment is obliged to be more versatile if it is to survive. Developments in scholarly publishing internationally seem to bear this argument out, as it is academic publishing that is experimenting with more versatile business models in an international context as well. What we are seeing is that scholarly publishers are moving away from an over-reliance on textbooks and university markets, to diversify their product mix and to combine the traditional publishing approach and new technologies for greater effect.

PART TWO

The legal context for publishing in South Africa and Uganda

BY ANDREW RENS

2.1 LAYERS OF LEGAL REGULATION

There are three overlapping legal spheres which affect publishing in Africa, including the study countries Uganda and South Africa. These are the international intellectual property regime, national laws, and the global private law arrangements that underlie them. The international intellectual property regime is characterised by both multi-lateral and bi-lateral treaties, multi-lateral agreements such as the Trade Related Aspects of Intellectual Property agreement (TRIPS) – which, purporting to set minimum standards of protection, requires the grant of extensive statutory monopolies – bi-lateral agreements such as the Free Trade Agreements entered into by the United States Trade representative and client states characterised by TRIPS, plus provisions which include prohibitions on using some of the residual flexibilities of TRIPS. Relevant features of national legal systems include not only intellectual property legislation, but also competition regulation. Global private law arrangements are the means by which the small number of global corporations which dominate publishing exercise control over the large amounts of content which they

have consolidated and can exploit. These are usually characterised as licences. It is through giving different regions specific licences to copyrighted (and trademarked) works that global publishing corporations have been able to synthesise so-called ‘territorial rights’.

2.2 THE HISTORY OF COPYRIGHT LAW

In both South Africa and Uganda, both the national and private international legal arrangements originate in the colonial system of the former British Empire. Both Ugandan and South African copyright legislation originated with British copyright legislation. The British Literary Copyright Act of 1842 granted copyright in British dominions to British authors (Dean 2006: 3–12). The British Copyright Act of 1911 (Rens *et al.* 2009: 322) systematised the application of British Copyright Law to the empire. Part 1 of the Act is entitled ‘Imperial Copyright’ and prescribes the extension of the Act to ‘His Majesty’s Dominions’. The 1911 Act was incorporated wholesale as part of the South African Patents, Designs, Trade Marks and Copyright Act of 1916. Historically, both jurisdictions have revised their legislation by imitating developments in Britain, and retaining such colonial features as a ban on parallel imports. Consequently neither South Africa nor Uganda has viewed copyright through a development lens. The impact of national copyright legislation on access to knowledge in Uganda and South Africa has been examined in the IDRC-funded African Copyright and Access to Knowledge Review, an eight-country sister project of PALM, and will not be examined further in this report¹⁹ except for the problematic ban on parallel imports.

That Ugandan and South African publishing should continue a colonial system of copyright is in one sense unsurprising, since copyright legislation has historically been influenced by publishers. When, as a result of the French Revolution and subsequent Napoleonic wars, British businesses lost their markets in Europe, the colonies were the primary replacement markets for British goods, including British books (Feather 2006: 185–6). Ensconcing a canon of English literature in the culture of the elites which acted as proxies for Britain was regarded as an important element of the imperial project (Saint-Amour 2003). Consequently, South Africa and Uganda (along with other colonies in Africa) were regarded as the captive markets of British publishing.

So great was the dominance of British publishers in the colonies and former colonies of the empire that it was only in 1947 that British publishers felt the need for a formalised arrangement to reinforce their hegemony (Bryant 1979: 371). This arrangement was the

19 See the Ugandan AcA2K Report (http://www.aca2k.org/attachments/154_revised%20Uganda%20Country%20Report-for%20web-11dec09.pdf) and the South African report (http://www.aca2k.org/attachments/154_ACA2K%20South%20Africa%20CR.pdf) for more details.

British Traditional Market Agreement (BTMA), which in effect constituted British publishers as a cartel in global English publishing. The agreement was between British publishers: no British publisher would licence American publishers to sell copies of a book in any of the colonies or former colonies of Britain, referred to in the BTMA as Britain's 'traditional market'. An American publisher granting a licence to a British publisher would have to grant a licence for every single British colony or former colony. An American publisher that did not agree to these terms would not be able to get access to the British market at all, nor obtain permission for works originally published by British publishers. Occasionally, however, American publishers might be permitted to sell in Canada.

The BTMA became the subject of an anti-trust investigation by the United States Department of Justice in 1974. As a consequence, it was formally terminated in 1976 by British publishers – who continued to adopt the same approach in individual licence agreements with American publishers, so that the pattern persisted until at least the end of the 20th century (Feather 2006: 191; Bryant 1979: 371). The history of BTMA is illuminating because it was simply the most overt form of a scheme which persists into the present: the system of 'territorial rights'.

2.3 TERRITORIAL RIGHTS

2.3.1 *Copyright aspects of 'territorial rights'*

Territorial rights, like so-called 'digital rights', are not copyright rights in a jurisprudential sense. No copyright statute grants 'territorial rights'. When a person creates a work, such as writing a book, she is automatically vested with copyright by copyright statutes. This right is recognised and thus enforceable in any country in the world which has ratified the Berne Convention (almost everywhere). The term 'territorial rights' refers to limitations which copyright intermediaries such as publishers place on licences that they issue, which enable them to engage in price discrimination. Typically publishers issue licences to publishers or distributors in other countries to publish a book only in that country. The remuneration required per copy by the originating publisher in turn sets the price by the re-selling publisher. The originating publisher can therefore set prices which are much higher in some countries than in others. However, if an originating publisher sets prices in one country so much higher than another that someone can profitably purchase copies in one country and re-sell them in another, then the scheme will be undercut. There is thus a limit to the price discrimination in which publishers can engage when a creator and her successors in title are granted a global monopoly of the reproduction and publication of

a book, despite the monopoly granted by copyright. That translates into control over the first sale of a book. Subsequent sales of an authorised work are not part of the monopoly given by copyright. Attempts by publishers to claim control over subsequent sales of authorised works have been rejected by courts, resulting in the doctrine of 'first sale'.

Publishers have attempted to insulate their international price discrimination by securing legal provisions which prohibit parallel imports. In the countries that are former colonies of Britain, these provisions originate in the 1910 Imperial Copyright Act.

2.3.2 Prohibitions on parallel imports

'Parallel imports are articles made in one country with the permission of the copyright holder in that country, which are legitimately sold in that country, which are then imported into a second country, without the consent of the copyright holder in the second country. For example a publisher in the United Kingdom might give the right to make copies of a book in India to one person and in South Africa to another person. If the book is being sold more cheaply in India than South Africa an importer could buy the books in India and import them into South Africa. Both versions of the book are legitimate, authorised by the copyright holder who has already received payment for them. But importing the legitimate Indian books into South Africa is prohibited by the Copyright Act.²⁰

The prohibition on parallel import into South Africa is in section 23 (2) (a) of the South African Copyright Act No. 98 of 1978. Section 23(2)(a) on infringement provides:

(2) Without derogating from the generality of subsection (1), copyright shall be infringed by any person who, without the licence of the owner of the copyright and at a time when copyright subsists in a work:

(a) imports an article into the Republic for a purpose other than for his private and domestic use ...if to his knowledge the making of that article constituted an infringement of that copyright or would have constituted such an infringement if the article had been made in the Republic.

It is noteworthy that the South African Copyright Act does not explicitly grant territorial rights, but in effect grants a copyright holder the power to prevent parallel import. The South African Copyright Act goes on to criminalise parallel import.²¹ The Act also

²⁰ 19-20, Open Review of the South African Copyright Act, 2008, Shuttleworth Foundation (http://www.shuttleworthfoundation.org/sites/shuttleworthfoundation.org/files/SA_Copyright_Review_Report_09_v3.5.pdf)

²¹ Section 27 provides:

'27. Penalties and proceedings in respect of dealings which infringe copyright

(1) Any person who at a time when copyright subsists in a work, without the authority of the owner of the copyright

empowers copyright holders to use the customs authorities to seize competing imports.²²

The additional powers granted to copyright holders by the prohibition and criminalisation of parallel imports is not required by the Berne Convention. TRIPS explicitly excludes parallel import from the many constraints that it places on national policymakers. Article 6 provides that:

For the purposes of dispute settlement under this Agreement, subject to the provisions of Articles 3 and 4 nothing in this Agreement shall be used to address the issue of the exhaustion of intellectual property rights.

Exhaustion is the technical term used to denote the concept that once a copyright (or patent or trademark) holder has sold or distributed goods then the rights conferred by copyright, patent or trademark do not give the copyright, trademark or patent holder the right to control sales of the goods which she herself has authorised.

Note 14b to Article 51 of TRIPS states:

For the purposes of this Agreement:

(b) ‘pirated copyright goods’ shall mean any goods which are copies made without the consent of the right holder or person duly authorised by the right holder *in the country of production* and which are made directly or indirectly from an article where the making of that copy would have consti-

(d) imports into the Republic otherwise than for his private or domestic use ... articles which he knows to be infringing copies of the work, shall be guilty of an offence.’

22 Section 28 provides: ‘28. Provision for restricting importation of copies

(1) The owner of the copyright in any published work may give notice in writing to the Commissioner for Customs and Excise (in this section referred to as ‘the Commissioner’)

(a) that he is the owner of the copyright in the work; and

(b) that he requests the Commissioner to treat as prohibited goods, during a period specified in the notice, copies of the work to which this section applies:

Provided that the period specified in a notice under this subsection shall not extend beyond the end of the period for which the copyright is to subsist: Provided further that the Commissioner shall not be bound to act in terms of any such notice unless the owner of the copyright furnishes him with security in such form and for such amount as he may require to secure the fulfilment of any liability and the payment of any expense which he may incur by reason of the detention by him of any copy of the work to which the notice relates or as a result of anything done by him in relation to a copy so detained.

(2) This section shall apply to any copy of the work in question made outside the Republic which if it had been made in the Republic would be an infringing copy of the work.

(3) Where a notice has been given under this section in respect of a work and has not been withdrawn, the importation into the Republic at a time before the end of the period specified in the notice of any copy of the work to which this section applies shall be prohibited.

(4) Notwithstanding anything contained in the Customs and Excise Act, 1964 (Act No. 91 of 1964), a person shall not be liable to any penalty under that Act (other than forfeiture of the goods) by reason of the fact that any goods are treated as prohibited goods by virtue of this section.

(5) This section shall mutatis mutandis apply with reference to an exclusive licensee who has the right to import into the Republic any work published elsewhere.’

tuted an infringement of a copyright or a related right under the law of the country of importation.

TRIPS was created under the auspices of the World Trade Organisation, and territorial rights and the associated prohibition on parallel import are anti-free trade.

[I]n Japan any interference with parallel imports is automatically seen as anti-competitive and illegal. In principle, parallel importation should therefore simply be regarded as a form of free market competition (Rippes and de Villiers 2004: 550).

It is therefore not surprising that TRIPS does not require prohibitions on parallel import and more surprising that it permits such prohibitions, if indeed it does.

2.4 ECONOMIC ASPECTS OF ‘TERRITORIAL RIGHTS’

The Australian Productivity Commission investigated the economic effect of ‘Copyright Restrictions on the Parallel Importation of Books’²³ in Australia and found that they result in higher local book prices, which is not only a cost to consumers but the benefits to publishers and authors are not well targeted. Parallel import restrictions cause price increases of many books, some of these substantial; part of any price increase attained by books originally published elsewhere will be captured by the foreign publisher that holds the rights and therefore the restrictions cause local consumers to effectively subsidise not only local publishers but also foreign publishers.

Critically in Anglophone Africa, territorial rights are barriers to the creation of sufficiently large markets to support African publishers. Instead, publishers are confined to the ‘markets’ set by the size and boundaries of territories drawn onto maps of Africa by colonial administrators. Unsurprisingly, these boundaries do not denote autonomous economic units; South Africa is notoriously reliant on migrant labour from its neighbours and Uganda is reliant on its neighbours for imports of capital goods. The mapping of territorial rights onto the boundaries drawn by the colonial powers at the Berlin Conference (1984–5) reduces the viability of African publishers by limiting their markets, thus ensuring continued domination by multinational corporations.

The development of new distribution models which involve global selling from a single vendor – whether an online book store, print on demand or downloadable ebook – was

predicted ten years ago by publishing strategist Mike Shatzkin.²⁴ More recently, he predicted that 'by the end of 2010 it is obvious that territorial rights will be relegated to print books only, meaning the end could be in sight for the entire concept of territoriality'.²⁵

However, African countries are not likely to be a beneficiary of these changes for a long time because they will not be regarded as a prize markets, unlike countries such as Australia. It is therefore necessary to consider potential legal solutions to the problem of 'territorial rights'.

2.4.1 Legal solutions to 'territorial rights'

The prohibition of parallel import is thus not economically efficient, nor required by international copyright treaties, nor required as an incentive for the production of copyright work. It is within the power of both South Africa and Uganda to repeal the draconian prohibition of parallel import provisions in their copyright legislation. Doing so will allow a measure of competition which will undercut extreme price discrimination. However, that will not end the neo-colonial system of 'territorial rights', which will continue to constitute a competition regulation problem.

Territorial rights can be addressed as a competition regulation problem, as the United States Department of Justice addressed the BTMA. Competition authorities could, if properly authorised by underlying competition legislation, regard territorial rights agreements as prohibited practices; and where necessary, address the anti-competitive effects of territorial rights agreements which have effect in their jurisdictions through compulsory licences.

2.5 PALM FINDINGS

As far as IP law and international IP conventions are concerned, the PALM findings arising from the demonstration publishing projects identified territorial rights and the prohibition of parallel importation as a barrier to African publication. It is not always understood by publishers and government that this prohibition is not required by international copyright treaties such as TRIPS and tends to enforce higher prices while limiting availability. It is becoming an anachronism in the seamless global markets offered by the internet. The question is therefore whether African governments should consider repealing bans in their copyright legislation on parallel importation, given that the territorial licence regime creates barriers, for example to the licencing of relevant titles for print on demand in African countries.

²⁴ Territorial Rights. Speech delivered at the Booksellers Association of Great Britain and Ireland Annual Conference, Amsterdam, April 13, 1999 available at <http://www.idealogue.com/territorial-rights>

²⁵ A Baker's Dozen Predictions for 2010 (<http://www.idealogue.com/blog/a-bakers-dozen-predictions-for-2010>)

PART THREE

Publishing in South Africa and Uganda – a comparative review

3.1 DEVELOPING COUNTRY AND MIDDLE-ECONOMY COUNTRY PUBLISHING IN AFRICA

In its choice of countries for participation in the PALM Africa project, the project aimed to compare the potential for flexible licensing in a middle-economy country with a well-developed publishing industry – South Africa – and a developing country with a publishing industry that was struggling to grow – Uganda. Cognisance was taken of the problems of internet connectivity and access, in Uganda in particular, the question being whether flexible licensing could take off in a country with limited connectivity.

An overview of the industries in each country provides the context in which the PALM project operated. As the project proposal was for the country interventions to take place through an industry organisation, publishing associations in the two countries are reviewed. Also, relationships between the publishing industries and national government are an issue, giving the lie to the initial assumption in the PALM

proposal that government officials would participate in the project seminars and workshops (GIS Watch 2009).

3.2 THE PUBLISHING INDUSTRY IN SOUTH AFRICA

3.2.1 *The size and shape of the industry*

South Africa is unusual, in the African context, in having a relatively large and viable book industry. The turnover of the SA publishing industry, as estimated by the Publishers' Association of South Africa (PASA) in its 2008 survey, is R4 079 193 000 (US\$ 554 878 328) (PASA 2009).²⁶

The statistics produced by PASA²⁷ show that local publishers dominate the supplier categories – 30.6% in the genres popular in most general bookstores (referred to as the 'trade sector' within the publishing industry), 93.9% in the general and basic education sector and 54.9% in the academic sector. However, the education sector in particular is in fact dominated (in terms of size and market share) by the local subsidiaries of international companies such as Pearson Education and Macmillan, with Nasou Via Afrika, the educational publishing arm of the locally-owned multinational Naspers as another major player. The risk of trade monopolies in the highly competitive school textbook market was highlighted in an intervention by the Competitions Commission in 2008, after an application by the Shuttleworth Foundation, which placed limitations on the merger of Maskew Miller Longman, a Pearson Education company, and Heinemann Education, as a result of an international merger of their parent companies.

Table 3: Local and imported books in the South African market

Supplier category	Trade	Education	Academic
Local publisher	30.60%	93.90%	54.90%
Local distributor of imported books	58.90%	6.10%	12.40%
Local indent agency	1.80%	0.00%	26.10%
Overseas direct supplier	8.70%	0.00%	6.60%

PASA Annual Publishing Industry Survey 2008

²⁶ http://www.publishsa.co.za/docs/PASA_Survey_2008.pdf

²⁷ Willem Struik, 2010. 'The South African Book Publishing Industry 2004-2008' in Bookmark (News Magazine of the South African Booksellers' Association), Vol.21 16-18.

Similarly, the trade book sector is dominated by the larger companies that are subsidiaries of large conglomerates in the North: Penguin, Pan Macmillan and Random House. The one local exception to the global representation by such companies is the listed company Media24, which stables a large pool of highly successful English and Afrikaans-language publishers under the company NB Books, a growing indigenous schoolbooks publisher (Nasou Via Afrika) and a large trade book publisher of indigenous fiction and nonfiction, as well as a distributor of international lists.

In the trade sector, the dominant suppliers of these sorts of books are local distributors of imported product and unsurprisingly 67% of the sales in this sector are through national bookseller chains such as Exclusive Books and the more downmarket CNA. While independent booksellers make up only 10% of the sales within this sector, they are more dominant players in the education and academic book sectors, representing 24.1% of the sales revenue source to the publishers and distributors of schoolbooks, and 16.2% of academic book sales.

The school textbook system

The education sector of the South African book publishing industry represents just over half of the total South African publishing industry, with over 90% of school textbooks produced locally.

Table 4: Contribution to the total industry net turnover according to industry sector

Sub-sector	% of total turnover
Trade	30.40%
Education	50.64%
Academic	18.96%

PASA Annual Publishing Industry Survey 2008

The education sector relies heavily upon selection and purchase by the centralised national education department and seven of the provincial departments of education account for 47.6% of its sales. A further 22.7% of its sales are supplied directly to schools or by tender supplier – this figure refers mainly to independent and private schools which may define their own textbook and workbook selection, as well as the two provinces which operate an ‘open list’ system of selection, allowing schools to select from a more extensive list of possible options. When one considers that books purchased through booksellers and library suppliers are invariably responding to government tenders too, this means that 97.9% of all sales for the education sector are to and at the behest of government and are funded by taxes.

In the period 2004 to 2008, the market share of local product increased from 63.3% to

69.0%, while turnover increased by 77.5%, as we can see from the table on sales by origin of product below.

Table 5: Market share of local product 2004–2008

R million	2008	2007	2006	2005	2004
Local product	2733	2602	2350	1863	1540
Imported product	1226	1151	1175	986	893

PASA Annual Publishing Industry Survey 2008

Although the initial focus of the PALM project was intended to be on learning materials, the potential for the use of flexible licences in this very regulated school textbook market did at first sight appear to be very limited, although there were responses to PALM in the South African project to suggest that there was scope for certain forms of publication, such as teachers' manuals and workbooks, to be put online for open access.

International trade

Exports of books from South Africa are very low. A very small percentage, 0.2% of the sale of education books, is sold mainly to southern African countries, while academic books are more mobile and represent the highest figure of the three sectors, at 8.3% of sales of all academic texts originated in South Africa.

The barriers to international trade are unequal power relations when it comes to trading with the large information-rich economies and geographical barriers, high transport costs and tariff barriers when it comes to inter-African trade.

Subsidiary rights and territorial licences

There has been a long tradition in South Africa of subsidiary rights trading between a small group of publishers – independent 'oppositional' publishers and university presses – publishing books relevant to Africa. Publishers such as David Philip and Ravan Press in South Africa, Fountain in Uganda and East African Educational Publishers in Kenya traded territorial rights with each other and with companies such as James Currey and Zed Books in the UK, as well as a number of US university presses. In this way, the publishers built up viable print runs in what was otherwise a marginal market, by consolidating their markets across several countries (Horwitz Gray 2003).

This business model is now challenged by internet publishing models and the growth of POD. A question that PALM set out to explore was the potential for using flexible

licensing for digitally transmitted content to replace this model, which has proved valuable for a number of decades.

Internet sales and internet connectivity

Unlike the international experience, internet booksellers make up only 3.3% of the revenue across the sectors – although it should be borne in mind that the internet monolith Amazon does not have a local distribution hub in South Africa, although there has been talk about this possibility for some years now. Sales off the publishers' own e-commerce-enabled websites remain low and represent about 1% of all sales at most. Given the low levels of internet penetration in South Africa – relative to the size of its population – this remains an untapped possible area of growth for the industry going forward.

South African e-retailers, such as Kalahari.net and Exclusive Books, account for 2.2% of trade sales, only 0.1% of educational books, and 1% of the academic market.

3.2.2 Government support for publishing

It is striking that, while there is strong government support for the development of small and community media companies, there is very limited government intervention in book development in South Africa. The Media Development and Diversity Agency (MDDA) was set up in 2002 by Act of Parliament to encourage and support the creation of media companies that better reflect the South Africa population profile and that could address community and language issues.²⁸ The MDDA obtains substantial state funding and is able to use this funding to carry out training programmes for small newspapers and broadcasters, among other activities.

In contrast, the South African Book Development Council (SABDC) has received funding from the Department of Arts and Culture for the purposes of research interventions and is being supported for the development of a national book development policy and library development initiatives. However, funding to support such initiatives remains limited and it would appear that publishing is not central to South African development policy.

3.2.3 Industry associations

With a long history of schism and secession, the publishing industry in South Africa is currently organised around two associations, each founded by and on behalf of South African publishers – the African Publishers Association (APA) with a smaller, largely African membership and the larger, more European-influenced and more organised

²⁸ <http://www.mdda.org.za/>

Publishers Association of South Africa (PASA), with 135 member companies. Both have fairly hierarchical structures and tend to bring together the ‘captains of industry’ at their bi-annual meetings. It is only through these bodies that researchers such as the PALM team could gain access to high-level meetings that brought together managing directors.

PALM tried to gain access to address the PASA meeting of managing directors, but was told that the agenda was too full. The experience of PALM researchers has also been that meetings are focused on operational cooperation and seldom address more strategic issues of the role of reading in national development; and by extension, the role played by publishers within such an agenda. The role of copyright in affecting change or the developmental challenges that can be addressed by publishing have seldom been brokered at senior management level and this is, of course, of some concern.

A major focus of PASA is the provisioning of school textbooks for the national schools system. This is especially so, given the introduction of a completely new curriculum in the post-apartheid era, with implementation of the final year of the curriculum – and its attendant textbooks – in 2009. This is a very lucrative business for those publishers who succeed in the process and tends to favour large publishers able to resource the considerable investments involved.

The agenda for strategic change in the publishing sector appears to have been taken up in part by the under-resourced representative body, the South African Book Development Council (SABDC) (formerly the Print Industry Cluster Council (PICC)), but this body is more focused on transformation within the broader book industry and has as its mission ‘A diverse book sector by 2010 in South Africa’.²⁹

The SABDC held a briefing session in 2009 on its proposed National Book Development plan, which was attended by PALM researchers. The proposal contained a number of important recommendations, particularly in relation to the need for government support for book publishing, especially indigenous language publishing, the growth of small and medium enterprises and support for writers.

It was acknowledged at this briefing session that the research for the book development programme was backward-looking, in that the policy initiatives it drew upon were long established and print-based. However, it was clear that the SABDC was receptive to the need to incorporate further discussion about publishing and new media, and acknowledged the need for the policy, as it developed, to look beyond the book to incorporate other products.

The PALM South Africa 2009 Publishers’ Workshop provided a context for interaction between the directors of the SABDC and NABOTU in Uganda, leading to mutual proposals for collaboration in reading development activities.

3.3 THE PUBLISHING INDUSTRY IN UGANDA

3.3.1 The size and shape of the industry

In contrast to the more developed publishing sector in South Africa, the Ugandan book sector is embryonic. The literature survey, prepared for PALM by Dr J.R. Ikoja-Odongo, provides a detailed survey of the industry, from the history of book publishing in Uganda to the role of government in book creation (Ikoja-Odongo 2009). Publishing in Uganda has notable streams of educational, trade and religious publishing and there is a long association between the publishing industry and the government in Uganda, where the government has long served as both the purchaser and the largest distributor of schoolbooks in particular.

3.3.2 School textbook publishing

Statistics show that approximately 60–75% of all books published in Uganda are textbooks at the primary school level and a textbook policy exists in order to ensure that there is uniform vetting of schoolbooks in order to ensure level playing fields and competitive practices amongst publishers. While the Ministry of Education and Sports funds textbooks at primary school level, books for secondary school are charged to students who either purchase or borrow textbooks on a school lending scheme. Evidently, most textbooks at the secondary level are imported products. Prior to 2006, when the Ugandan government introduced Universal Secondary Education (USE) policies, the fall in numbers from primary school enrolment figures (of approximately 7.4 million year-on-year over the past 7 years) to secondary school student numbers (approximately 700 000 students) was significant. The high school enrolment statistic is now estimated to have tripled.

There are less than 100,000 students in tertiary institutions and universities and most of these institutions receive book donations or purchase books from the library development levies paid by students as part of the fee structure.

3.3.3 Constraints on the sector

Beyond the education sector in Uganda, the market for trade titles is affected by illiteracy, multiple indigenous languages, poorly-funded libraries, poverty and a lack of trade tools to market publications: literacy is cited as being at 68% for men and 61% for women in Uganda, there are over 50 local languages and dialects, and the 2006 statistic of per capita income (of US\$350) is significantly lower than the average income on the continent (US\$500). The

price of books is therefore relatively high when viewed against real household incomes and the market is rendered small as a result. Catalogues of publishers' books are seldom produced and there is no industry journal or other communication by which to professionalise the trade. Coupled with a weak national bibliographic service at the National Reference Library, despite enabling legislation, this means that no one knows what is being published, where, when or by whom. The purchase of an imported product is therefore that much easier, as the tools of reference and bibliographic data are easier to access.

Taxation in Uganda favours importation of educational materials, computers and accessories through tax-free benefits. This has resulted in many publishers printing materials outside of Uganda and bringing books and other reading materials into Uganda in order to benefit from this tax incentive. No statistics are available to ascertain whether this has eroded the local publishing industry but it does demonstrate a stark contrast with South Africa where paper and book importation costs can be as high as 30%, resulting in lower prices for local editions of titles and fostering co-publication for providing greater potential financial benefit.

3.3.4 Bookshops and book distribution

There are about 250 bookshops in Uganda, spread across the country, but the product offering has increasingly become stationery. Since 2002 these booksellers have been incorporated into a system of decentralised instructional material procurement for primary schools and now provide a national book distribution network. In addition to providing services closer to the end users, this system has the added benefit of cheaper procurement in the form of discounts offered to schools and free transportation of materials to schools by the competing booksellers. Publishers, booksellers and ministry officials all argue in favour of the continuation of a decentralised book distribution chain, viewing it as integral to the growth of the publishing industry.

A further network of non-conventional distribution is that of pavement booksellers or hawkers who sell both old and new books, and frequently schoolbooks, at negotiable prices. Hawkers are found particularly around bus and taxi stations at peak hours of the day. These traders do not conform to the classical publisher-distributor-bookseller-end-user value chain, but certainly serve to bring books closer to the people and are more likely to be cultural barometers of reading interests.³⁰

Unlike in the UK, USA and continental Europe where publishers are investing in the relatively higher-level digital skills of their workforces, it is evident that mainly traditional print publishers operate in Uganda and the pool of editors, translators, designers and

³⁰ This informal market does not exist in South Africa, although there are street markets for CDs, DVDs and audio cassettes.

illustrators is small. The general scarcity of publishing skills has resulted in poorer-quality locally-produced publications, giving imported (and often subsidised) product a strategic advantage in the marketplace – offset, however, by higher prices.

3.3.5 Industry associations

There are a number of associations directly connected with publishing activities in Uganda, including the Uganda Writers Association, Uganda Printers Association, Uganda Publishers Association, Uganda Booksellers Association and the Uganda Library Association.

In addition, the National Book Trust of Uganda (NABOTU), a civil society initiative to promote the culture of reading, has brought publishers, booksellers and all other stakeholders together in focused activities such as book weeks and other promotional activities since its inception in 1997. Another umbrella initiative was the creation of the Interim Book Development Council in 1997, which brought the associations together with government ministries, UNESCO Uganda and a number of NGOs, with the aim of providing book sector surveys, training and policy development in addition to book promotion, but this Council has lapsed into inactivity at this stage. Data on publishing outputs, sales and users has not been produced by the body or any other stakeholder in recent years.

The PALM project in Uganda was conducted in collaboration with NABOTU, with its director, Charles Batambuze, as the PALM project lead in Uganda. This gave the Uganda PALM project more direct access to industry players and civil society publishing initiatives than was the case in South Africa.

3.3.6 Public sector and public interest publication

The research output of state-funded institutions such as Makerere University and research institutes such as the National Agricultural Research Organisation are largely underdeveloped. Both local and international NGOs publish monographs, reports, newsletters, brochures and even books – these include TASO, FEMRITE, UNDP and the World Bank, but they are generally invisible to the research community. Many of these types of publications have limited distribution, poor production values and poor bibliographic control, but they are cheaper; and some, which take the form of mimeographed student readers, are popular among students and professionals.

Having said that, Makerere University did start the University Press in 1995, and Nkozi University followed shortly thereafter. These presses have battled to establish themselves – editorial processes are haphazard and their market profile is low. As most of the manuscripts arrive at the press unsolicited, it might be deduced that there is an acquisitions model at play, rather than active commissioning. Not unlike scholarly

presses internationally, their print runs are low and they are dependent for their survival on university subsidies and patronage. The thirteen journals published in Uganda³¹ also tend to operate on a very insecure financial base and appear irregularly. None are cited in international databases; nor are they ISI-rated.

3.4 A COMPARATIVE ANALYSIS OF THE SOUTH AFRICAN AND UGANDAN INDUSTRIES

The much bigger South African industry is characterised by the dominance of a commercial sector of large corporate publishers with publishing values that are geared to the ability to compete in the global context with high-quality products, perhaps epitomised by the fact that South Africa is to be the Market Focus Country of the London Book Fair in 2010.

If the measure of a developed-country publishing industry is to have a balance between schools publishing and the rest of the sector, then South Africa is moving closer to this goal, with the school textbook sector representing just over half of the publishing industry net turnover. Equally, the high level of locally-produced product in relation to imported product is a sign of a mature industry. Nevertheless, schools publishing, as a secure and profitable market, is government-driven; and success in managing the tender process and competition to succeed in this profitable sector are what tend to dominate national publishing concerns.

While the South African publishing industry is well established and solidly commercially based, the Ugandan publishing sector is still emerging from a long period of state domination of school textbook publishing and demonstrates the profile of a developing-country industry, with the dominance of school textbooks (possibly around 75% of a small market) and high levels of imported product. It is dependent on donor support for the production of textbooks. The Ugandan industry operates in a less stable environment, faced with the need to negotiate the role of the private sector in a transitional situation and having to sell books in a poorly-resourced environment, without the cushion of the relatively large and affluent middle-class market that the South African industry is able to target.

The decentralised textbook supply market and the existence of street-corner book vendors suggest a situation in Uganda that is more targeted at democratic access than is the case in South Africa.

³¹ Uganda Journal (1934), Makerere Medical Journal (MMJ) (1964), Mawazo (1968), Makerere Law Journal (1975), African Crop Science Journal (1993), Dialogue (1994), Uganda Environmental and Natural Research Management Policy and Law (1992), African Journal of Peace and Human Rights (1995), PIC News (1998), East African Journal of Peace and Human Rights, Journal of African Religion and Philosophy (1989), Education Journal (1998) and Makerere University Research Journal (MURJ) (2006).

However, the South African trade commercial sector focuses predominantly upon an affluent middle-class market situated largely in the urban areas, while Ugandan publishing strives to address the needs of the wider population.

Although it would be easy to draw a distinction between the two publishing industries as a commercially dominated market in South Africa and a more development-focused Ugandan industry, this would be an oversimplification, with South Africa displaying a strong NGO and development sector outside of the formal publishing industry and Ugandan publisher approaches, with their mixture of commercial and developmental values, reflected in a growing South African small-publisher contingent.

3.5 NON-COMMERCIAL AND DEVELOPMENT PUBLISHING

A feature of both South Africa and Uganda is that both appear to have high numbers and a relatively wide variety of organisations that publish from outside the formal publishing industry, most of them development-focused. This creates an interesting comparison between publishing that is focused on profit maximisation and publishing that seeks to deliver development goals, working with a variety of sustainability models, principally from donor or government funding. Moreover, the PALM programme found that, although there were companies in South Africa that were very profit-oriented, there were nevertheless developmental aspirations expressed by employees taking part in the PALM workshops.

PALM researchers found that, particularly in South Africa, publishers of this kind had a long tradition of making their publications available free of charge. In the first instance, print runs are funded by donors and books distributed to targeted communities free of charge. In addition, many of these publishers place digital files (usually PDFs) online on their websites with an implicit or explicit invitation to readers to download and copy them. In South Africa, this was a tradition that in some cases went back to a period of anti-apartheid activism and therefore implicitly held a human rights approach. The problem with these online publications is that they can be difficult to find online and their full potential to reach further readers is not being exploited.

In spite of what appeared to be a potentially important sector with the potential to make a much larger contribution to African development goals, there is little research on development-focused publishing and little available by way of research studies and statistical information on the size or functioning of these kinds of content developers in Africa. This also appeared to be a sector that could benefit greatly from flexible licensing

as a route to expanding the reach and impact of its publications. As one South African publisher of comic book community booklets for AIDS education said in an interview at the Cape Town Book Fair: ‘Eight million copies of my books were distributed in the province of Gauteng by the provincial government. How does one get these materials, which are developed and paid for, to the other eight provinces?’³²

A critical question that emerged for this publishing sector was that of capacity building: the need to contribute to the development of professional skills for product development and design, digital online publishing, editorial and marketing skills, as well as IP management through flexible licensing. In Uganda, this applied equally to the larger trade publishers taking part in the PALM programme. In South Africa, on the other hand, technical skills were more developed, but there was often a lack of real appreciation among commercial publishers of the level of change that is happening globally and the threats to the current content-focused publishing model that exist.

32 Interview with Neil Verlaque Napper of the Storyteller Group, 2008.

PART FOUR

The PALM Africa programme

4.1 STUDY DESIGN

The PALM Africa initiative was a two-country study conducted in South Africa and Uganda. A qualitative approach was taken to the analysis of discussions in seminars and workshops conducted with publishers and of data from questionnaires conducted at these events and at the end of the intervention. Literature surveys and a mapping of the value chain of the publishing sector in each country provided background information on a complex terrain. Together with a review of the changes taking place globally in an increasingly digital world, this contributed to the conceptual framework for the PALM research.

Action research was at the core of the intervention, with the targeted outcome being the development of demonstration projects in which participating publishers would use flexible licences in their publishing programmes. The PALM project worked in close collaboration with participating publishers, formal and informal. A case study approach was used for the qualitative analysis of the publishing models and strategic goals of the publishers, as they emerged in the publishing workshops and as they changed in the publishing interventions that took place as demonstration projects.

The structure of the PALM study consisted of a cycle of information, training and

then implementation, followed by reflection and analysis. In each country, the plan was to conduct a Stakeholders' Seminar and then deliver a Publishers' Workshop that would provide the training and support to enable participating publishers to use flexible licensing in their publishing activities.

While the study aimed to understand the potential of flexible licensing and examine this potential in action in a limited number of case studies, it was not intended as a change management intervention. Rather, the aim was to lay the foundations for an understanding of how flexible licensing could work in Africa as an underpinning for future research and development programmes. The recommendations that conclude this report explore the potential for further research that has emerged.

4.1.1 The research question

The main research question that the PALM Africa project sought to investigate was phrased differently in the two participating countries. In South Africa, the question was:

How can flexible licences, innovative publishing models and the use of ICTs enable African research institutions, development organisations and book publishing businesses to increase access to and production of knowledge and learning?

In Uganda, the main research question was:

Can the adoption of more flexible licensing regimes contribute to improved publishing of learning materials in Africa?

The Ugandan question is simpler, more contained and less prescriptive than the South African question. It predicates a straightforward process of evaluating the impact of flexible licensing applied to the improvement of learning materials in Uganda. The Ugandan report defined the parameters of the publishing process to which flexible licences could be applied and defined the impacts that would be sought:

By 'publishing' we meant here the services of commissioning, editing, design, marketing, validating, branding and distributing learning materials. By 'improved' we were looking only at how more flexible licensing regimes might allow publishers to access a broader range of materials to which they might add local relevance, publish successfully and distribute in a manner that leads to more sustainable publishing and improved access for readers. Through the action research element of the project we expected that a variety of new busi-

ness models appropriate for Africa would be devised and tested.

The findings would therefore require the measurement of local relevance of products and the combined impact of reader access and publisher sustainability.

The wider scope of the South African question is in the first instance expressed as a matter of process, with the implied assumption that there *would* be an impact and that the research would seek to analyse this process in relation to access and knowledge production. The question also requires more complex mapping and cross-referencing of different factors in the licencing and publishing process. Finally, it opens up the scope of the published products to which the action research could apply and the impact that would need to be measured.

The exploration of this question involved a range of legal, political, economic and social issues that could impact on the context in which flexible licensing delivers its potential. This is a qualitative analysis, which thus focused on exploring the attitudes and perceptions of the participating publishers and charting how these perceptions changed during the course of the study.

4.2 CONCEPTUAL FRAMEWORK

The conceptual framework of the study sets the conventional commercial publishing value chain against emerging new models using ICTs and online publication. Where conventional publishing builds on the control of content at every stage of the value chain through the use of an ‘all rights reserved’ copyright regime, new and emerging publishing business models use ‘some rights reserved’ licences that allow content to be freed up at different stages of the publishing cycle in the interests of more effective distribution and greater access to knowledge as a result.

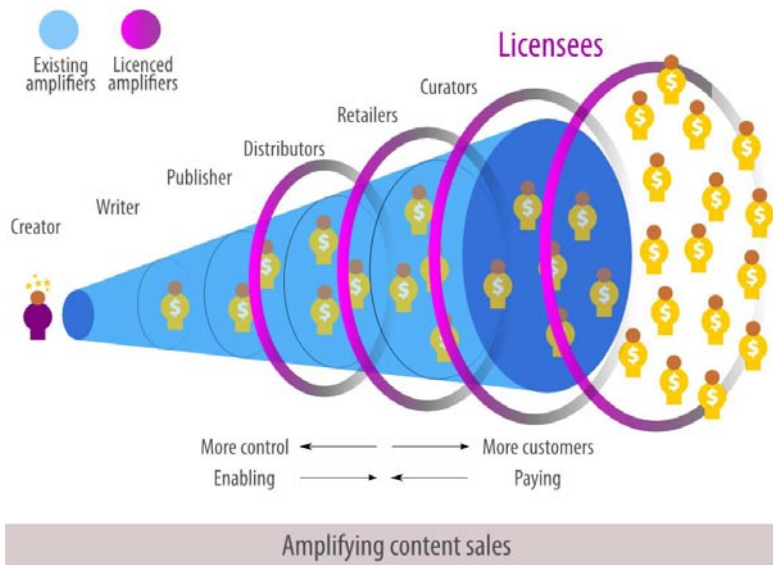
A range of potential business models were identified in the PALM workshop presentations:

- Free online content; print for sale
- Flexible, customisable textbooks, content available in open access online; with print, and audio and mobile for sale
- Free online training content; training, accreditation and certification for sale
- Sponsorship or advertising combined with free content
- Crowdsourced authorship for the development of free content; customised digital and print versions for sale
- The ‘author pays’ model of scholarly publication: the authoring institution or donor pays; content available free of charge.

This conceptual framework builds upon an understanding of a complex set of changes that are happening in publishing – as in all other media – as a result of the advent of the internet.

Arthur Attwell of Electric Book Works in South Africa, who participated in a South African PALM demonstration project, provided a graphic demonstration of the potential of flexible licences in his speech at the O'Reilly Tools of Change for Publishing Conference in New York in February 2010. He conceptualised this as an amplification of potential along the value chain, which allows for multiple expansions of the reach of publications.

Figure 5: The impact of flexible licensing



<http://arthurattwell.com/business/80-quick-easy-licences-and-why-they-matter>

4.3 FINDINGS AND DISCUSSIONS

The discussion of the findings of the PALM Africa study is organised into four sections. The first of these describes the PALM programme's international intervention; the second, in the form of a series of case studies, describes the insights that the Publishers' Workshops and demonstration projects provided into the publishing landscape in each participating country and the potential for effective uses of flexible licences that emerged as the project team developed an understanding of the participant publishers and their publishing practices. The demonstration projects that took place will be analysed in this section, but there will also be a description of the understandings that emerged from

publishers who saw the potential of flexible licences for their businesses, but were not able to deliver demonstration projects.

A third section summarises the findings from the case studies and programme workshops, including attitudes to flexible licences, the identification of barriers to flexible licensing models and the development of new business models in the process of the PALM programme.

Finally, this section of the report reviews developments in teaching and researching flexible licences in the two participating countries,

4.4 THE INTERNATIONAL INTERVENTION

The PALM programme was structured to include an international component, carried out by Frances Pinter (then at the London School of Economics) as the project lead. This part of the programme aimed to create links between international publishers and the African country programmes and identify potential for collaboration on flexible licensing demonstration projects.

4.4.1 UN and other international agencies

At the Frankfurt Book Fairs in 2007 and 2008, Frances Pinter presented on open access and the potential of flexible licensing to the publishers of the various UN agencies and the World Bank. These agencies publish a large number of publications about development issues, many of which are targeted at Africa. However, although Pinter found that some agencies were putting some materials online, the major barrier was the structuring and business models for these publishing operations. The publishing centres are structured as stand-alone cost centres, expected to pay their own way within their parent organisations. This is a familiar debate, echoed in the way in which many university presses and research publishers are structured, for example by being expected to ‘break even’ by their parent bodies.

During the course of ongoing discussions, a debate was initiated with publishers in these agencies on the missions of their organisations and on whether there were other ways that the production of information might be recovered, other than the conventional ‘publication for sale’ model. The advantages of open online content and the potential for repackaging and re-publishing by local publishers, which are aligned with the strategic goals of many of these organisations, were debated.

A questionnaire administered at the October 2008 Frankfurt Book Fair meeting showed a good level of take-up of these ideas, with fourteen out of seventeen respondents

saying that they had held internal discussions about open licensing and new business models, eleven saying that their organisations would consider open licences and six saying that they would not. Fifteen out of sixteen respondents asked for more information and ongoing discussion on new business models.

The World Bank showed willingness to put some publications online on a CC NC licence after discussions with Creative Commons. However, there were reservations relating to the perpetual nature of the licences and the arbitration process. Nevertheless, some publications are now available on CC licences.

It is worth noting that it has been reported that UNESCO Publishers have decided, with the appointment of a new publisher in 2009, to adopt a policy of Creative Commons licensing for their publications³³. While no direct link can be drawn between this decision and the PALM interviews with UNESCO publishing representatives, the PALM project did add to other pressures promoting open licensing at UNESCO. The first steps towards this policy were taken when UNESCO published *Open Educational Resources: Conversations in Cyberspace* under a CC BY NC SA licence in 2009 (UNESCO 2009) after some protests from OER practitioners (who had contributed to UNESCO's OER strategy development) at the idea of their work being published under an "all rights reserved" licence.

What emerges in this discussion about access to the publicly-funded outputs of the large international agencies is a persistent view of publishing as an inescapably commercial operation, even when it is situated in public bodies. The traditional value chain, from author, through publisher, to book printing and sales comes from an era of print in which investment costs in product production and distribution costs were high. In a digital world, this is challenged by lower investment costs in product, the potential for distributed production costs and zero-cost online content distribution. However, as the case study of the UN agencies and the World Bank demonstrated, facilitating this change is a slow and complex process, particularly in large and bureaucratic organisations.

4.4.2 An unexpected outcome – the creation of Bloomsbury Academic Publishing

At the Yale A2K3 conference in Geneva in September 2008, Frances Pinter announced the creation of a new imprint, Bloomsbury Academic, for which she would be Publisher. Acknowledging the influence of her experiences in the PALM programme, Pinter announced that this would be an imprint, within a highly regarded publishing house, that would use the dual-stream open access online and print for sale publishing model that the HSRC Press has pioneered, but this time within a commercial company.

³³ Communication during the Experts' Meeting on the UNESCO Open Suites Strategy, December 2009.

Bloomsbury Academic would use open access online publication to provide market exposure for its publications and aim to recover costs from the sale of hardcover books aimed particularly at the library market, as well as through the sale of other rights (such as ebook and subsidiary rights) utilising the CC+ protocol information on the Bloomsbury Academic site.

The first book published by Bloomsbury Academic was *Remix*, by Larry Lessig, the Creative Commons pioneer.

At the O'Reilly Tools of Change conference in February 2010, Pinter made a proposal for a radical new concept for the viability of scholarly monographs, proposing a model that could draw on the purchasing power of the international library consortia. The dilemma she addressed was that sales of monographs were falling steadily in the face of higher journal prices in a market in which libraries were obliged to order large volumes of core journals. What she proposed was the idea of leveraging market size in these consortia against the radically lower prices that could be achieved for print books as a result of bulk ordering.

While Pinter's departure to Bloomsbury Academic was a loss to the PALM programme, the innovations that are being brokered at Bloomsbury are providing dynamic insights into potential new business models.

4.4.3 *Bloomsbury Academic and the CC+ protocol*

Particularly because of the problems that emerged in the PALM programme with the use of CC NC licences when it came to trying to build POD potential for open content, the use of the CC+ protocol would appear to be a possible way of providing rights for 'commercial' or paid-for uses of CC-licensed content. While this protocol was not taken up by any of the African demonstration projects, it is being implemented by Bloomsbury Academic. As Frances Pinter explained in an interview with the European Union OAPEN research team:

If anyone wants to commercialise the content, we hope they will come back to us and enter into a contract and use their own POD. The CC+ service adds metadata on permissions, including a URL to contact us. Our objective is to have 'click-through licensing', so that people who want to make multiple copies can do so legally (OAPEN 2010: 21).

The model being built upon here is one in which Bloomsbury Academic provides open access versions online, generating revenue by sales of print books, particularly to libraries, and then attracting further revenues for commercial use from subsidiary licences for university student packs, ebook bundles for libraries and licencing fees for photocopying. A publishing platform will be installed in 2010 that will enable easy discovery of content

and will make the content part of a richer community of social exchanges:

Taxonomic classification will assist users to navigate to and from what they want to read, with tools available to allow readers to cite, email, print and share the titles they find. Bloomsbury Academic will be plugged into the world beyond the site itself, with connections to blogs, podcasts and webcasts to accompany and enhance the world-class content inside. Within the site, additional readers' resources will augment the core texts, with role-based navigation helping core groups make the best of Bloomsbury Academic (OAPEN 2010: 20).

For the African PALM programme participants, the use of CC+ protocols was possibly a step too far. Once the use of regular CC licences is more familiar, this might be a further step that could be researched as part of POD and flexible publishing solutions in Africa. The research and capacity building that would be needed in this context would be on digital content management for multiple uses, electronic publishing skills, automated and web-based licensing and the management of POD services.

4.5 CASE STUDIES – DEMONSTRATION PROJECTS IN SOUTH AFRICA AND UGANDA

A key finding of the PALM study resided in the insight that was gained into the differences between the aspirations and operations of commercial publishers, publishing for profit, and informal publishers whose major motivation is contributing to the public good. Of particular value was the insight gained into the process of brokering change in the different contexts of the small publishing industry in Uganda and the bigger, middle-economy South African industry; and into the enhanced role that informal publishers might play in delivering Africa's development goals using new business models and flexible licences.

In Uganda, it appeared that while initial resistance and fear of change was high, in the end both commercial and development publishers were more ready than their South African counterparts to experiment, in the interests of greater efficacy in a very difficult market. This was in part a result of a more cohesive publishing sector, with greater trust between the project participant and the publishing association, NABOTU, that was championing the intervention. In South Africa, publishers were further down the line in understanding the changes that were taking place and in grappling with digital publishing of different kinds, but were slower and more cautious in embracing these new

models fully in complex organisations and a complex national climate for publishing.

Four categories of publisher were identified among the participants in the two country workshops:

- Conventional commercial publishers;
- Development and alternative publishers;
- Research organisations; and
- In South Africa, one electronic publisher that crossed the boundary between commercial publishing and publishing for the public good.

Given the structure of the project, the outcomes aimed for in these different categories of publisher were for active publishing outputs: publications using flexible licensing and, potentially, a range of business models. Although there were already successful publishing projects of this kind, particularly in Uganda, and a print-on-demand pilot project investigation in South Africa, this aim of delivering publishing projects within the time constraints of the project turned out to be an ambitious target given the resources available, the capacity of the publishers concerned, the realities of publishing cycles, and the complexities of the contexts in which publishers worked.

In the case of commercial publishers, the attraction of flexible licences was principally the added market exposure that could be achieved, particularly in promoting titles beyond national borders; for development publishers and research organisations, flexible licensing emerged as a way of growing readership and delivering public interest goals where the commercial publishing model was not appropriate.

4.5.1 Commercial publishers

The outcome challenges articulated in the PALM programme, in the case of commercial publishers, were to see publishers ‘making a portion of their quality learning materials and knowledge resources available across multiple channels under flexible licences, while working to influence government industry and other boundary partners to adopt policies that enable wider application of flexible licences.’

Uganda – Fountain Publishers

The fact that the leading local Ugandan publisher, Fountain Books, has moved to a flexible licensing model for three of its books, placing full content online on a Creative Commons Attribution, No Derivatives, Non-Commercial licence, is an important achievement, as it will provide a strategically important case study for other African publishers.

The managing director of Fountain is also the chairman of NABOTU. Although he had been briefed about the project by the PALM project leader earlier at the London

Book Fair, he was initially not in favour of giving away content for free. This echoes the reservations expressed at the PALM Uganda Stakeholders' Seminar, of fears of piracy from street-corner publishers if content was freely available. Placing an extract of a book online was as far as Fountain and other Ugandan publishers appeared to be willing to go at this early stage.

The process of changing this view was instructive. It appeared to be the potential of building an international profile and improving the company's global markets that appealed. Fountain planned to upload one academic book for the publishing exercise. The attraction was the possibility of earning income from direct sales of physical copies as a result of growing demand, increased sales of other titles in the catalogue discovered as a result of a greater number of visits to the website and rights deals negotiated for those who may have wanted to make use of the alternatively-licensed book for territorial rights or derivative works. In other words, it was the marketing potential of using open licences that appealed, along the lines followed by the HSRC Press, which had achieved considerable success in this regard. A next step could be the addition of CC+ protocols on the Fountain website that could identify terms for subsidiary licensing.

The first book placed online was *Genocide by Denial: How Profiteering from HIV/AIDS Killed Millions*, a hard-hitting title on a topical issue by a globally acknowledged expert in AIDS treatment. Fountain Publishers followed the initial book by uploading an additional two titles under CC licence. These were *A Handbook on Decentralisation in Uganda*, published with Makerere University, and *Funding and Implementing Universal Access: Innovation and Experience from Uganda*, a publication arising out of an IDRC research programme.³⁴ The latter two publications placed online on open licences therefore demonstrated the potential for collaborative publishing projects with public-interest partners.

Fountain Publishers promoted its open access titles actively on the home page of its corporate website³⁵ and NABOTU gave it additional web coverage.³⁶ The marketing strategy appears to have aimed for visibility for Fountain books that could have potential markets beyond the borders of Uganda, promoting the idea that, as an African publisher, it had books of mainstream interest that could attract international readership. An important factor in this success was the involvement of the MD of Fountain Publishers, James Tumisiime, as a champion of the exercise, enabling the delivery of the project within the company and assuring its international exposure, given his status as a leader in the African publishing world.

34 The links to the three titles are as follows:
http://www.fountainpublishers.co.ug/index.php/cPath/21_83?osCsid=rfb6iivtc3sjlo46tqpr7tjh82
http://www.fountainpublishers.co.ug/index.php/cPath/21_36?osCsid=rfb6iivtc3sjlo46tqpr7tjh82
http://www.fountainpublishers.co.ug/index.php/cPath/21_38?osCsid=rfb6iivtc3sjlo46tqpr7tjh82

35 <http://www.fountainpublishers.co.ug>

36 <http://www.nabotu.or.ug/news.php?openid=28>

As a result of Fountain's marketing of its open access initiative and of the promotion of the exercise by NABOTU, this venture gained exposure through a number of international blogs, Twitter feeds and mentions in international conferences and workshops, with social networking demonstrating its value in viral marketing.

All three publishers who participated in the Ugandan publishing experiment reported increased activity on their websites and could track various downloads of the titles under the publishing experiment to various countries. In some cases the authors or publishers of the titles were contacted to direct users to places where they could acquire print copies. However, what is still needed is the creation of analytic tools to track and map downloads from the site.

This experience brought home the need for publishing companies to link up with POD companies to process the orders for physical copies in real time. While there was neither time nor capacity to explore the potential of POD for inter-African trade further, this is a possible spin-off from the PALM project that warrants future investigation. The experience also disproved the perception that flexible licences would kill the market for the specific titles.

A critical success factor in this case study was the championing of the venture by the senior company executive and his sustained conversation with NABOTU as a result of his position as the chairperson of the organisation. Further influence appears to have been exerted through international interaction via Frances Pinter, the PALM project lead and later the Publisher of a new flexible licensing publishing venture, Bloomsbury Academic.

The PALM project succeeded in bringing Uganda's publishing industry into an experimentation mode which is necessary for learning and refining ideas on the appropriate new business models. A key lesson, however, was that poor ICT skills and the predominance of small companies that could not afford to outsource ICT personnel and equipment hampered more companies from participating in the publishing experiment. The degree of success achieved through the new business models is bound to affect the rate at which other companies join the bandwagon and risk experimentation, but capacity building will be needed to support such a move.

Mastermind Publishers

Mastermind, a publisher of books for SMEs, decided to explore using a NC licence. The company wanted to guarantee revenue streams through rights deals and demand for physical books, as well as through driving demand for their training programme for SME entrepreneurs. This project was delayed by technical difficulties, but the website was ready shortly before the conclusion of the PALM Uganda project and Mastermind should be uploading their works under a Creative Commons licence shortly after the

conclusion of the project.

4.5.2 South Africa – negotiated change management

In South Africa, given the size of the publishing industry, and the inability of the project to operate with the full commitment of a national publishing association, there was less comprehensive participation in the Stakeholders' Seminar than in Uganda. In response to demand, additional meetings and two further one-day workshops were held with stakeholders, including Juta Publishers (incorporating UCT Press), a medium-sized academic and law publisher (large by African standards), and Nasou Via Afrika, the schools education publishing division of a very large South African-owned multinational.

In the larger publishing houses that participated in the PALM study, although there was active engagement with the idea of flexible licensing, it was more difficult to move towards active commitment to the publication of books using flexible licensing. This had to do with a number of factors: corporate structures and reporting lines, the processes required to broker change in larger corporations and the impact of the global recession, which was having repercussions in the South African industry at the time of the PALM study.

What was interesting, however, was that the interactive sessions at the Publishers' Workshop and discussions at further company-specific workshops led publishers to the realisation that they already provided free content to the school textbook market in support materials such as teachers' manuals and marketing materials, and that Creative Commons licences could be an efficient way of handling this content.

In the higher-education textbook market, the PALM discussions led to a deeper understanding of the impact of open source learning management systems (LMS) in South African universities on potential textbook publishing practice, given that more than half the students in the country are in universities participating in the development of LMS through the open source Sakai consortium. Of particular interest to the publishers was the range of multimedia and interactive support materials being developed by the University of Cape Town, for example. The future vision being brokered here was one in which commercial textbooks and university learning environments could interface with one another to their mutual benefit.

When it came to demonstration projects, UCT Press (which is owned by Juta Publishers) did place one title online with an open licence. The book – *Raw Life, New Hope* by Fiona Ross – is licensed under a Creative Commons Attribution, Non-Commercial, No Derivates licence. This text is aimed at students, academics and practitioners in the social sciences, particularly anthropology, sociology and urban geography, at policy-makers as well as a general readership. Dr Fiona Ross is an Associate Professor in the Department of Social Anthropology at the University of Cape Town who has written several books, including

Bearing Witness: Women and the South African TRC (2003, Pluto Press), and *Houses Without Doors: Diffusing Domesticity in Die Bos* (1995, Human Sciences Research Council).

The initial concept that UCT Press proposed for its PALM project intervention was for an online forum to be created, enabling academic content to be linked to a scholarly publishing list and made available with CC licences. The forum, it was envisaged, would be designed to generate discussion and feedback for reputation building and to result in the publication of selected content voted for by the community.

This broader project was ultimately deferred due to the process of long-term Juta strategy development. In addition, the publisher encountered a number of concerns from academics consulted who wanted hard copies of their publications, particularly for review purposes. This suggests that academic conservatism is a barrier to open online publishing, something that was borne out in the HSRC experience (Gray *et al.* 2004). The UCT Press Board was also concerned about malicious use of the site: for example, academics in the same field posting negative reviews online for competitive reasons, rather than sound academic concerns.³⁷ UCT Press thus met some resistance to the idea of placing open access content online.

It is a pity, therefore, that the open access online version of *Raw Life, New Hope* is not profiled on the front page of the UCT Press/Juta corporate website, nor in its news listings or promotional material. It is difficult to find unless one is already aware of the title. This might limit its potential to attract downloads and in turn to stimulate sales.

Juta Publishers, of which UCT Press is one imprint, has also been in negotiations with the IDRC for the co-publication of an IDRC report on African Copyright and Access to Knowledge as a flexibly licensed book in 2010.

In addition, UCT Press and Juta have actively been getting books scanned by Google, and 476 books have already been placed online through Google Books. Extracts of out of print books can be viewed and ordered through Juta, which will produce them through print on demand.

While the take-up of flexible licensing projects in South Africa was limited, the wider impact of the PALM interventions with commercial publishers should not be underestimated. Two publishers that control a large proportion of the publication of learning materials in the country, from schools to higher education publications, spent a good deal of time with the PALM research team, exploring in depth the potential for flexible licensing and its applicability to their business models and products. Their reaction was largely positive. What was clear was that change in the context of large organisations is a slow process, and that any systemic change would need to be worked through what

³⁷ This is perhaps a justified concern, in the light of the scandal that broke in the UK historical community in 2010 as the result of a leading scholar placing derogatory critiques of his colleagues' books on Amazon.

are necessarily slow and secretive strategic planning processes in a conservative industry that is resistant to change.

The sticking point for the South African companies was typical – their dependence, at a corporate level, on a model that centred on the protection and exploitation of content as their core business model. This is in conflict with the progressive change influences in the digital world that Mike Shatzkin has described:

We are all in the content business, and we are going to have to move into the conteXt business. The ownership in the future of eyeballs will be more important than the ownership of IP, because value moves to scarcity (Shatzkin 2009).

The larger South African publishers, although engaging with the changing digital world, do not seem to have embraced the structural changes that this could bring to their businesses, of a vertical model of niche markets, supported by the licensing of content in the cloud. The model that Shatzkin suggests, of niche publishing, short print runs and POD, sounds closer to the realities of the developing world industry than the current big-business, content-driven business model that dominates the large knowledge economies.

However, Shatzkin also concedes that the publishing industry is not necessarily listening to this advice: business models of large corporations are not responsive to change, he argues, and these organisations will tend to exploit their existing markets for as long as they can do so.³⁸ Put differently, the big South African companies are part of a ‘plateau industry’.

It was notable that none of the South African branches of international publishing multinationals engaged with the PALM project. It appears that these companies take their direction from their international principals. This is resulting in some changes as, for example, the Random House SA group is engaging with licensing for ebooks in the South African market. In the case of Oxford University Press, the South African company appeared less interested than its parent company in developing digital strategies, preferring to focus on building its position in the textbook market.

In trying to engage with the receptiveness of the larger South African companies to the potential of flexible licences, the PALM interaction with two local educational publishers suggests a paradoxical situation, in which there is on one level a considerable openness to new methodologies and on the other a cautiousness bred from reluctance to change what has been a successful business model up until now. While the interactions at a series of workshops suggested an openness to change in the digital world and acknowledged the potential of new models in the South African market, at the top level of companies, change is likely to be slow.

³⁸ <http://www.idealogue.com/blog/my-advice-is-not-alwayseasy-to-follow-but-sometimes-it-proves-right-anyway>

4.6 DEVELOPMENT AND ALTERNATIVE PUBLISHERS

One of the important outcomes of the PALM project and related projects with which the PALM programme collaborated was the importance of non-commercial, development-focused publishing in an African context. Usually dismissed as ‘grey publishing’ and relegated to a lower status than formal commercial publishers, what was revealed was the importance of these publishers in providing access to locally relevant knowledge targeted at development goals. It was in this sector that flexible licences offered the most immediate gains.

These institutions also had concerns about copyright and licensing in the digital environment. The PALM project is addressing the tip of the iceberg: there is a need for further research into these public-benefit publishers and how their publications can be given greater impact and reach, what capacities and skills will be needed and how more innovative use of ICT and flexible licensing models linking non-profit knowledge dissemination might contribute to greater exposure for these development-focused products. This might include research on how combinations of public interest/open access and commercial models, using flexible licensing, might extend the life and reach of development publications.

The outcome challenge for this group was as follows:

Development/alternative publishers are making a portion of their quality learning materials and knowledge resources available across multiple channels under flexible licences. They work to influence their clients and members to adopt flexible licensing to promote, market and disseminate their works.

In both countries, there was a reasonable success rate in attracting development publishers to the seminar and workshop and raising awareness of the potential of flexible licensing.

4.6.1 *Uganda*

FEMRITE: Women’s publishing

In Uganda, the women’s writing cooperative FEMRITE has produced two titles under a flexible licence. FEMRITE is an organisation specifically created to address the marginalisation of women’s voices in Ugandan writing and publishing:

The organisation came into being at a time when the Ugandan literary scene had almost no visible creative literature written by women. FEMRITE

desired to change that situation and build level ground for Ugandan women creative writers enabling them to contribute to national development through creative writing.³⁹

The development focus of FEMRITE is in the commissioning of books: it does seek to recover costs through book sales. Similarly to other role players in the PALM Uganda project, the key challenge that FEMRITE faced was poor technical expertise and the lack of a comprehensive plan for marketing online books. In providing assistance for the organisation to address these issues, PALM helped deliver some of the core FEMRITE goals, articulated when the cooperative was set up, to develop a marketing and an ICT strategy.

The project timeframe did not permit evaluation of the performance of the titles in the market both locally and internationally. However, although it is too soon to track download patterns with any certainty, it would appear that there has been increased market visibility for FEMRITE fiction titles. A notable development, demonstrating the value of FEMRITE, reported that the African Books Collective (ABC) based in Oxford, United Kingdom had written to them about offering POD distribution services for the new fiction title, *farming ashes*, which is available on the FEMRITE website under a CC licence. ABC uses print on demand to service the needs of its customers. Market visibility was increased by the use of email alerts about the availability of free fiction titles on the FEMRITE website.

Tracking of FEMRITE web traffic during this period suggests widening international traffic (figure 6).

Uganda: Industry research gets world exposure

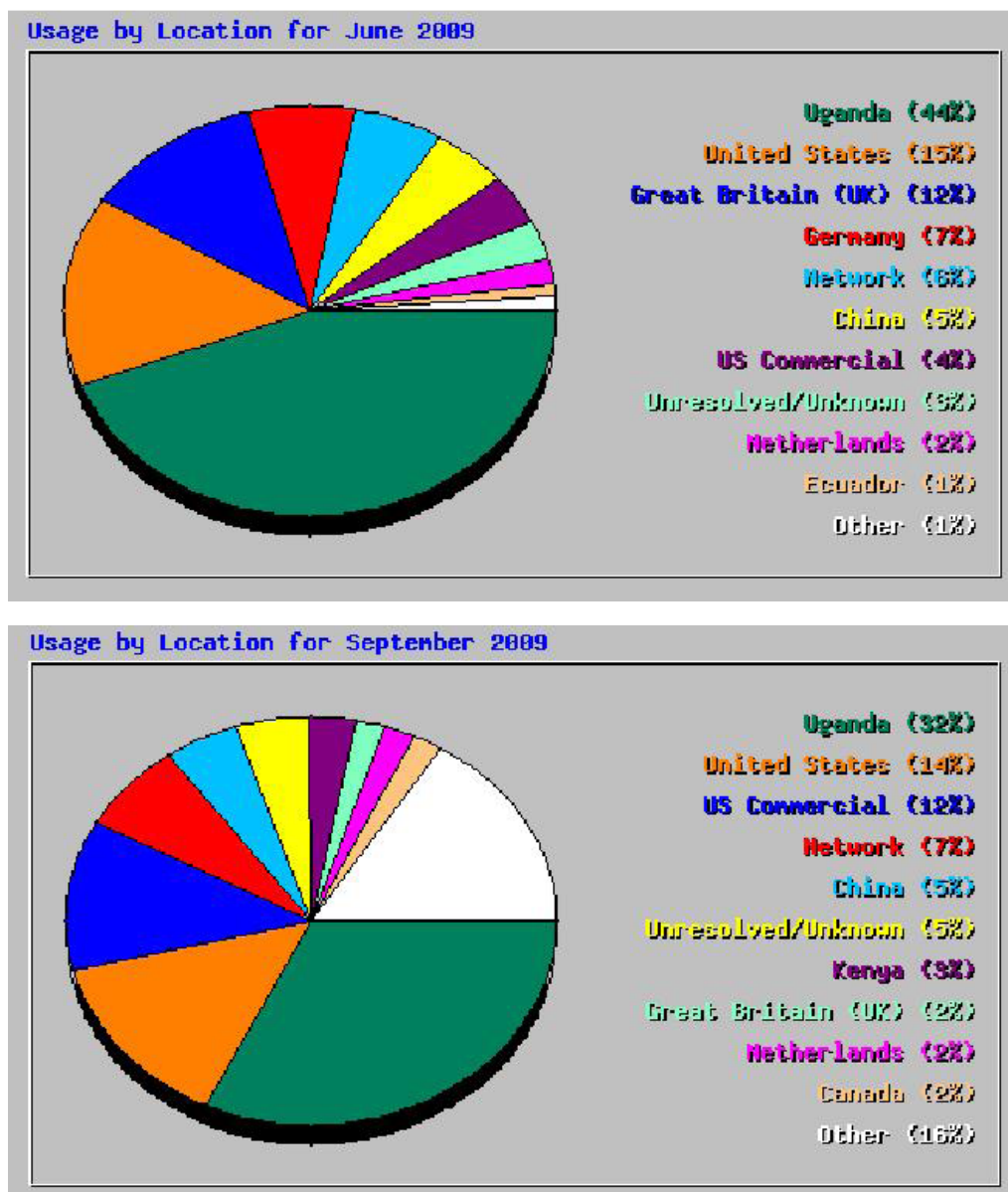
Although not directly part of the publishing exercise, NABOTU – in itself a development organisation – placed its PALM project literature review, *Publishing in Uganda with Notes from Africa: a Review*, online on its website with a CC licence. NABOTU reported that on November 18th 2009, Ms Dorothy Amuso, the country representative for the US Library of Congress Office – Nairobi, Kenya, visited with a list of titles that NABOTU published online (www.nabotu.or.ug). One of the titles that she wanted to procure for the Library of Congress and its associated libraries was the PDF ebook, *Publishing in Uganda*. The visit from the Library of Congress represents a potential market that exists for hard copies of this title, while a further market has been identified for print copies for Ugandan students of library and information science.

39 <http://www.femriteug.org/about.php>

4.6.2 South Africa

In South Africa, four development-focused publishers attended the Publishers' Workshop and three signed up for demonstration publishing projects. The process of planning these projects provided valuable insight into a little-understood area of development publishing, that of science popularisation; an example of flexible licensing for paediatric health care

Figure 6: FEMRITE downloads by location: June and September 2009



provision; and the provision of flexible licensing for POD in an African context.

Jive Media: Science popularisation

Jive Media is a small South African publishing services company that specialises in reversioning research material for popular understanding of South African scientific developments.

As their website copy makes clear, the mission of this organisation is strongly focused on national development and community empowerment:

Jive Media, Marketing and Communications strategises the best combination of media for the message, and importantly, for the target audience. We aim to make a difference through our products, focusing on areas such as biodiversity conservation, human rights as well as science and technology. Our client base is exclusively not-for-profit institutions and organisations. We specialise in multi-platform communication, using television, print, web, social media, mobile or other electronic communications.⁴⁰

Jive Media generates content across a variety of media, specialising in ‘multi-platform communication, using television, print, web, social media, mobile or other electronic communications’. It sees its work as essentially focused on community empowerment.

Companies such as Jive Media and the Cape Town-based Storyteller Group, interviewed at the Cape Town Book Fair in 2008, apply specialist skills in illustration (including comic book development), language level, cultural and regional appropriateness, design and layout to the adaptation of scientific content for lay readership.

Jive Media decided to explore the possibility of creating a portal focusing on science popularisation, facilitating the dissemination of popular versions of scientific research, creating access to scientific information for ordinary people and creating an interdisciplinary dialogue. The idea was for the creation of a repository in which a catalogue of popular scientific publications could be profiled and research papers could be deposited to encourage the commissioning of ‘translations’ to make the content accessible to communities; a community-based and social media approach to expanding science popularisation.

Jive Media believes that where knowledge resources have been paid for or supported financially by government or donors, the outputs can and should be shared freely. Although their proposal for a portal did not take off, they still believe that collaborative spaces in which creators can easily upload and share content will allow creators to reach far larger audiences.

40 <http://www.jivemediaco.co.za>

Robert Inglis of Jive Media set out the impact of PALM SA on their publishing operations and practices:

PALM represents our first direct engagement with flexible licensing, having heard mention of ‘Creative Commons’ some time prior. While we had been employing some of these ideas for some time, PALM provided the tools and the structure that would allow us to do it cheaply and easily – and explain it to our clients.

PALM also provided exposure to thinking about intellectual property (IP). Previously our knowledge in this arena was fairly sketchy and we have grown considerably in our understanding in this regard. The PALM workshop exposed us to a number of ‘new ways’ in which practitioners are operating which was useful and inspiring (PALM final survey).

Although the PALM project offered to subsidise the costs of developing a business plan, Jive Media subsequently reported that financial pressures as well as uncertainty about potential future sources of funding stalled the process. Although they did not make use of the funds committed, a number of useful links and breakthroughs in understanding were made, particularly of the specialist skills that these publishing services have and the extra value that could be made from these skills.

Jive Media have begun to use flexible (CC) licences for the publication of much of their material and received support from PALM in the development of appropriate contracts.

The specialist skills brought to science popularisation by Jive Media are an important issue. While African countries seek to make research knowledge accessible to broader communities in the interests of social and economic development, it is not always understood that there are specialised publishing skills involved at every level, from writing, through design, to choice of media. While training and support for science journalism are sometimes offered, these specialist skills are less widely understood in ICT4D development programmes.

The lesson learned from the interaction with Jive Media is that there is capacity for making South Africa’s investment in research work for national development goals, in line with government policy demands for research impact on economic and social development (Gray 2009: 13–14). This is also in line with UNESCO’s suggestion that ‘research should be concentrating on the actual problems of the fields studied’ in the interests of development impact (UNESCO 2005: 161). The OpeningScholarship project revealed that at the University of Cape Town there is a considerable level of responsiveness among South African university research groupings to national development needs, as well as a high level of expertise in conducting research that is responsive to community imperatives (Gray 2009: 17). The word that these researchers tend to use is ‘translation’, as research findings are adapted to

the needs of particular audiences, from policy-makers to agricultural communities. What development publishers like Jive Media offer are highly specialised professional skills and marketing capacity to enhance the impact and extend the reach of these research efforts. This is where flexible licensing could offer ‘last-mile’ solutions to the use of commercial licences and print on demand that could provide onward dissemination of publicly-funded science development projects beyond the initial donor-funded print run.

Electric Book Works – Designing for Digital training programme

Electric Book Works (EBW)⁴¹, a small electronic publishing services company, and its MD, Arthur Attwell, proved to be a valuable partner in the PALM project, developing a training programme for e-publishing and contributing an analysis of the challenges and opportunities facing African publishers, including details of the technical systems with which they will need to engage.

EBW Child Health Care Series – a case study

EBW provided a case study of the successful use of open licensed training content for child health care by the Perinatal Education Programme (PEP), an education programme delivered by the Perinatal Education Trust. The business model that has been developed is that of providing free online training content as a public good and marketing exercise alongside the provision of paid-for training and certification.

This programme provides a case study of a number of the issues that have surfaced through the PALM project: the role of research organisations as the seedbed of development-focused communications; the problematic environment provided by universities for community development initiatives; the failure of conventional commercial publishers to publish effectively in this terrain, and the value of small and nimble electronic companies in brokering innovative solutions.

The central aim of the PEP programme is to improve the breadth and quality of care given to pregnant women and their babies, notably in areas where health care services are lacking or rudimentary and with a special focus on southern Africa.

PEP produces a line of course materials that allow interested healthcare professionals to study aspects of perinatal care. These materials are authored by a diverse group of specialised doctors, ensuring the highest quality and accuracy. The three central philosophies of the courses are that they must be cheap, practical and, most importantly, must let learners take responsibility for and ownership of their own education.

The course materials are free for anyone to copy and distribute, and a nominal fee is

41 <http://www.electricbookworks.com>

charged for the exam. Estimates suggest that over 60,000 health care workers have taken the course, though it is impossible to give a definite number as the materials are, by design, widely spread.

PEP was initially run as a private hobby project by its creators. The first versions of the programme, printed by a commercial academic publisher, were large, heavy tomes. Due to increasing time constraints, mounting postage fees and the expansion of the project into other subject areas (notably HIV), it was no longer feasible to continue running PEP in this way. Professor Dave Woods approached EBW to help him build a business model that embraced both the free spread of educational materials and a solid commercial plan. EBW's role included handling the book production process, shipping books and exams, administering the sale of exam numbers, and maintaining the material at online portals; the PEP team continued to research and refine the books' contents and developed new lines. In other words, EBW's role followed the decentralised publishing model becoming more common in the digital domain.

EBW reworked the courses into small, professionally-made course books with illustrations and attractive covers. Concurrently, the materials were made available online at various sources and could be obtained through print-on-demand services. The free availability of the materials and the profit generation originating from book and exam sales married the two key aspects of the new publishing project. This is also an integrated business model in which EBW Healthcare manages the entire process of production and distribution of the PEP learning materials, including administering the exams.

Visitors to the website come from 119 countries and totalled over 4,300 unique visits between mid-January and mid-February 2010. In descending order, the highest numbers of visitors are from South Africa, the USA, the UK, India, Canada and the Philippines, with other countries such as Botswana and Malaysia contributing a small percentage. The website allows learners to send electronic feedback and to ask questions, which are answered by the PEP team. The books are also available for viewing on Scribd.com. The books, or chapters of the books, have been accessed online approximately 25,000 times in total. EBW Healthcare has sold approximately 5,000 print copies of books in three years.

When PEP approached EBW with their range of learning materials, it was vital for PEP that the spirit of their licensing model be carried over. It was important for both parties that the material was at once free to access and share, but that it would also form the basis of a commercial model for the publisher. PEP approached the project as a business venture rather than merely a social outreach programme, and was insistent that EBW benefit financially from their cooperation. Though the material was initially licensed under a CC licence, this was later replaced by a standard copyright agreement that had the necessary permissions explicitly spelled out. This reversion was mostly due to the parties' unfamiliarity with CC; however, the current copyright is the practical equivalent of a flexible licence.

The PEP/EBW Health care series provides a valuable insight into the process of making research accessible and available to meet community needs. In this case, the project left the university research environment and set up a public interest/commercial partnership. The needs of both parties, for a public good approach and for financial sustainability, are being met by the use of open access online content and a business model that provides for a commercial model for print products and training delivery.

4.7 RESEARCH INSTITUTIONS

4.7.1 *Uganda*

Research organisations taking part in the PALM workshop in Uganda included the Makerere Institute of Social Research (MISR) and the *Crop Science* journal.

In Uganda, the research organisations that participated in the workshop did not follow up with demonstration projects. MISR did ask for follow-up, but in the event did not respond to requests for appointments. The reasons for this lack of response from research organisations are not clear.

At the Stakeholders' Seminar, Makerere University representatives expressed an interest in the creation of a university repository, but this was not taken up further at the Publishers' Workshop.

4.7.2 *South Africa*

Research institutions participating in the PALM study included The Children's Institute, the South African Institute for Distance Education (SAIDE) and the Programme for Land and Agrarian Studies (PLAAS) at the University of the Western Cape. Individual meetings were held with a number of university presses, but none of these, with the exception of UCT Press (which is part of a commercial company), attended the workshop.

Research organisations attending the Publishers' Workshop proved keen to convert a number of their publications to CC licences, realising that this is clearer and more effective than using conventional copyright statements and an easy way of achieving their aims of protecting their authorship while at the same time allowing for a range of free and unrestricted uses. Although these organisations do sell some of their print publications, the low pricing does not add significantly to their revenue streams. This is primarily because research organisations are funded entities, work for the public good and their objectives often include widespread dissemination of their published products.

They believe that making these products available online, free of unnecessary restrictions and free of cost, often removes obstacles to widespread distribution, along with highly subsidised print prices.

PLAAS – research for agricultural development

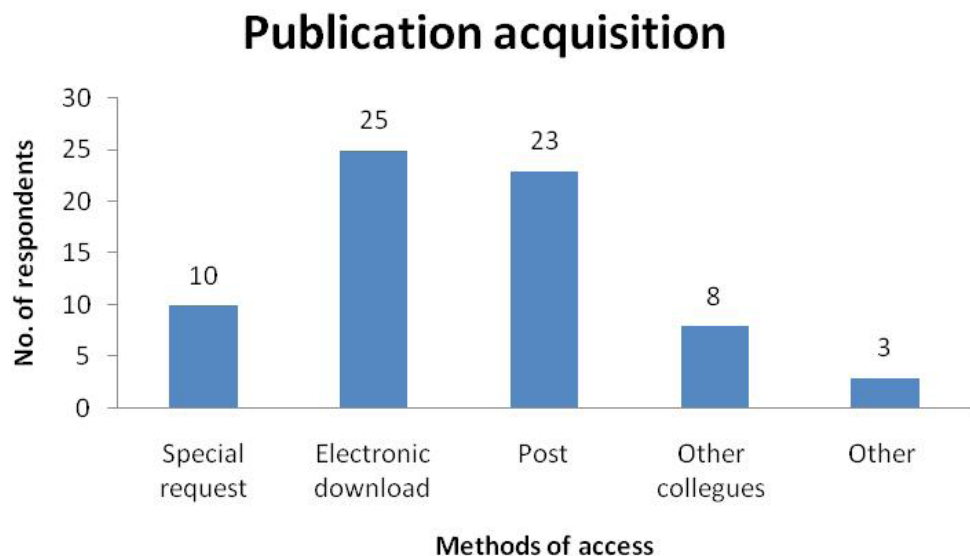
The Institute for Poverty, Land and Agrarian Studies (PLAAS) is one of South Africa's leading research and teaching centres on land and agricultural studies and is based at the University of the Western Cape.⁴² PLAAS has a reputation for high-quality research on land and agrarian reform, poverty, and natural resource management in South Africa and the southern African region. PLAAS also undertakes training, provides advisory, facilitation and evaluation services and contributes substantially to national policy development. The institute therefore epitomises a particular kind of South African applied research, combining research rigour with social impact. As it describes its mission:

PLAAS engages in research, training, policy development and advocacy in relation to land and agrarian reform, rural governance and natural resource management. PLAAS is committed to social change that empowers the poor, builds democracy and enhances sustainable livelihoods. Gender equity is integral to these goals. PLAAS aims for rigour in its scholarship, excellence in its training, and effectiveness in its policy support and advocacy. It strives to play a critical yet constructive role in processes of social, economic and political transformation.

The key development fields in which PLAAS is active include land rights and land reform, chronic poverty and fishing rights and marine resources. The institute conducts research in a number of African countries. PLAAS is also conducting a multi-country IDRC-funded research project into Securing Women's Rights to Land, initiated in 2008, working in collaboration with the International Land Coalition and MISR at Makerere. Workshop presentations and 2009 preliminary field work reports are available online, providing a resource on women's rights in Africa, which as a result of the PALM intervention are now on CC licences.

Like many other research institutions that aim to disseminate their research publications widely, PLAAS has faced challenges in achieving effective distribution. The PLAAS participation in the PALM programme envisaged a publishing strategy to extend the impact of this research and development agency, built on the foundation of flexible licensing. In order to base this strategy on the needs of their readers and contributors,

42 <http://www.plaas.org.za/>

Figure 7: PLAAS publications mode of acquisition

PLAAS Readership Survey 2010

PLAAS commissioned Creative R&D to conduct a survey of their readers. Although drawing on a small sample of only 47 readers, this survey provided valuable insights into the ways in which online resources provided by South African research organisations are being used, enriching the PALM findings in this regard.

What emerged from this independent survey was that PLAAS was perceived by its readers to offer competently-prepared publications, which the readers in the research sample accessed predominantly online.

Given that the research sample was drawn from the mailing list of readers who received print publications by post, this result suggests that electronic downloads are probably substantially the largest medium for access to PLAAS research. A high percentage of respondents (73%) were unwilling to pay for electronic downloads.

The PALM team gave an in-house presentation on the survey outcomes and flexible licensing to the organisation's management, which has agreed that all future publications will be published using flexible (Creative Commons) licences. The discussion demonstrated the challenges faced by publishers in converting previously published books to CC licences, due to existing contracts with authors and, in some instances, co-publishers.

The implementation of the agreed policy was slowed down by ongoing IT problems at the University of the Western Cape, resulting in, inter alia, difficulties in using the Creative Commons' website to generate appropriate licences. Contracts with researchers and sub-contractors also had to be amended. However, by 2010 a CC licence notice

was placed prominently on the publications pages of the PLAAS website, applying to research reports, policy briefs, working papers, occasional papers and those books which are available on open licences. This provides a CC BY ND licence for photographs and illustrations and a CC BY SA licence for publication content. One flexibly-licensed book, *Another Countryside*, has been placed online for free download,⁴³ although this is consistent with the organisation's practice prior to the PALM project. The book is downloadable chapter by chapter or as a complete book.

The PALM demonstration has therefore created the potential for more effective publication and marketing in an important development research field, given the necessary level of support for publication by donors and capacity within universities to promote the output of their research groupings using flexible licences.

SAIDE – open education and distance learning

The South African Institute for Distance Education (SAIDE) aims to assist in the reconstruction of education and training in South Africa by promoting open learning principles, the use of quality distance education methods and the appropriate use of technology.

SAIDE works with policymakers and educational organisations and is active in South Africa and beyond in the formulation of policy for distance education in Africa. SAIDE is running the 'OER Africa' initiative which explores 'how OER might contribute to the needs of Higher Education Institutions in Sub-Saharan Africa'. SAIDE uses the Creative Commons licence (Attribution) to distribute content freely on the OER Africa website.

OER Africa's mission is:

To establish dynamic networks of African OER practitioners by connecting like-minded educators – teachers, academics, and trainers – to develop, share, and adapt OER to meet the education needs of African societies. By creating and sustaining human networks of collaboration – face-to-face and online – OER Africa will enable African educators and students to harness the power of OER, develop their capacity, and become integrated into the emerging global OER networks as active participants rather than passive consumers.⁴⁴

Owing to the nature of SAIDE's business, the Publishers' Workshop participant had a clear idea of flexible licensing prior to the workshop. SAIDE has been making PDFs available on their website since 2005.

43 <http://www.plaas.org.za/pubs/books/bk6>

44 <http://www.oerafrica.org/default.aspx?alias=www.oerafrica.org/aboutoer>

The SAIDE participant proposed the publication of an open access peer-reviewed set of conference proceedings, the first step towards the launching of a suite of online journals. The journals, it was hoped, would be strategically developed to address a gap in the market and to ensure accreditation, with a community space linked to the publications. This idea was shelved when SAIDE discovered that another institution was re-introducing their journal on a similar topic and invited SAIDE to collaborate.

However, contacts made at the workshop, especially with Andrew Rens of the Shuttleworth Foundation, were useful in helping SAIDE deal with subsequent licensing issues. SAIDE has been exploring re-publishing out-of-print resources that were co-published with a commercial publisher using conventional licensing; however, this was not actioned within the lifespan of the PALM project.

SAIDE has also been converting videos into the correct file sizes for uploading to YouTube. A copyrighted resource was reversioned for this purpose. The institution retained full copyright of the original version but allowed SAIDE to introduce a Creative Commons licence for the re-worked resource, which was a collaborative project across seven higher education institutions.

The Children's Institute

The Children's Institute at the University of Cape Town:⁴⁵

Aims to harness the collective academic capability in the University to promote enquiry into the situation of children, to share this capacity through teaching and training programmes, and to present evidence to guide the development of laws, policies and interventions for children. In addition, in positioning itself as an independent broker of evidence, the Institute is also able to provide evidence to those who are advocating on behalf of children.

It is therefore an organisation that works in the policy arena, in human rights policy and implementation through training programmes.

The Children's Institute proposed the use of a mixed licensing and business model for publishing their flagship publication, the South African Child Gauge, initially considered for the second half of 2009. A mixed business model was adopted for the publication. A certain number of copies of the publication are made available free to key academic and civil partner organisations, government and donors. Other copies are sold to cover production costs, with a small profit added.

In addition, all published works are made available free of charge on their website and

45 <http://www.humanities.uct.ac.za/research/groupings/children/>

they encourage relevant web portals to list and link through to these publications.

The Children's Institute intends to register their website and all its content under a Creative Commons licence (albeit the most restrictive version). This had not been executed due to the consideration that needs to be given to how to handle existing 'all rights reserved' publications already linked online, and the time it takes to tackle this issue, and more importantly, the need for buy-in among contributing authors and researchers to accept CC licences. Like other organisations involved in demonstration projects, many other priorities were demanding their staff's attention and energy.

4.7.3 Research institutions – lessons learned

The question of the contribution of Africa's research to the resolution of its development challenges has been the subject of considerable discussion in the last decade. However, the paradigms of how research publication could best contribute to this development have remained conservative, focusing largely on the need to grow research journal publication, a form of scientist-to-scientist communication (Chandiwana 2002;⁴⁶ UNESCO 2005; Gray 2009) or to focus on science journalism to mediate research for community development.⁴⁷ The SARUA study on A2K in Southern African universities identified the fact that much research of the type identified in the PALM study remains unpublished in the southern African region, leading to a loss of research impact and the danger of increased research costs as the result of duplication of research efforts (SARUA 2008: 35–6).

At the 2009 UNESCO 29th World Conference on Higher Education, under the rubric *The New Dynamics of Higher Education and Research for Societal Change and Development*, in a session on African research, the Namibian Prime Minister Nahas Angula issued an urgent plea for the reconfiguration of the application of research in order for it to impact on the problems that African citizens face, asking: 'How could the application of knowledge end poverty and hunger in Africa? How could higher education empower women and promote gender equity? How can knowledge be considered in the African context to address child mortality and improve maternal health?' (Reddon 2009).

What the PALM case studies demonstrate is that there is an existing publishing model for developmental research that could be built on, that could answer Angula's question and, with the investment of further research, could be expanded to increase its Africa-wide impact considerably.

Although the demonstration projects in this category are all South African, the fact

⁴⁶ An extract of this paper is available on the SciDev.net website: <http://www.scidev.net/en/opinions/nepad-vision-for-africa.html>

⁴⁷ This emerged as a persistent theme at the INORMS conference of African university research managers in 2010, for example. Achieving social responsiveness for research often appeared to be equated with getting notice in the newspapers.

that Makerere is a partner in a PLAAS research project, which is being licensed under CC licences, could help to contribute to a debate at Makerere on the need to link its dramatic research development and growth (Wamboga-Mugirya 2009) to a publishing and dissemination strategy.

4.8 A FEASIBILITY STUDY – PRINT ON DEMAND

In South Africa and other developing countries, many educators and learners are dependent on printed learning materials, both because of lack of access to technology and because they lack the skills and knowledge to actively use digital products in the classroom.

It is possible that the rapid development and adoption of cheap laptops, ebook readers and other mobile devices may lead to a tipping point arriving sooner than many imagine. At the same time, it is unlikely that there will be a ‘big bang’, but rather that adoption of digital learning technologies will be uneven and messy, across space and time as well as across vertical and horizontal institutional cultures.

In the interim, ways of bridging the so-called ‘last mile’ will need to be developed, as a means of realising the potential of digital technologies. The most obvious option in the South African context is print on demand.

The PALM study benefited from the commissioning of a report by the Shuttleworth Foundation on the potential for POD in South Africa. This was carried out by Steve Kromberg of Creative Research and Development, the South African research partner in PALM (Kromberg *et al* 2009). This explored the potential of a number of POD solutions, such as the aggregated print approach taken by Lightning Source in the UK and USA and the ‘one-book-at-a-time’ Espresso Book Machine.

Lightning Source

The PALM researchers visited Lightning Source during a visit to the UK in mid-2008. At that stage, Lightning Source had acquired rights to the Espresso Book Machine and was preparing to use it alongside its aggregated printing solutions.

What was learned was that the Lightning Source solution, which is used by the African Books Collective to deal with distribution orders for African books in the UK and USA, is dependent first of all on its integration into a major and very large publishing distribution database, through Ingram Distributors. Secondly, Lightning Source depends upon a very sophisticated ICT system, expensive machinery and a high level of automation in its print processes. The fulfilment of publisher orders needs very

little human intervention, with rights cleared in advance in the Ingram catalogue and billing and payment information built into the system. When content creators place their books with Lightning Source for POD distribution, Ingram is listed on book databases as the supplier for those books. Orders from retailers for those books arrive at Ingram and are automatically routed to the most appropriate Lightning Source plant, where the books are printed and dispatched within 48 hours.

These factors – high machine costs, high levels of automation and speedy distribution – mean that the system requires high throughput volumes if it is to be profitable. It is also dependent on swift and efficient postal and other distribution services.

All of these factors make the Lightning Source solution problematic in the African context. There are very few situations in which the volumes would be high enough to justify the set-up and running costs. Operations such as Lightning Source run 24 hours a day and their UK operation needs to turn over 1 million books a year to be viable. The message from Lightning Source management was that the Australian market, to which they were in the process of expanding, was only just large enough to offer them viability.

In these conditions, although an operation of this kind would be very attractive, given the short print runs of most trade and academic titles, the African market would not be big enough and the distribution costs and inefficiencies too expensive. The pity is that this would be an effective way, if it were viable, of transcending the barriers to inter-African trade that are such a problem for the industry.

The Espresso Book Machine

The Espresso Book Machine (EBM) is a printing and binding machine that produces, in one process, books stored digitally on its hard drive or network. A book can be selected from its installed catalogue and be printed and bound in approximately five minutes. The machine has been developed by On Demand Books (ODB) in the US, and has been available for purchase since early 2007. The size of a small room, the machine is intended for use in libraries and retail spaces, where books can be printed as they are needed on-site. So far, EBMs have been installed at several US university libraries, and Bibliotheca Alexandrina (Egypt). Installation costs vary, depending on location and the printer units installed, but estimates vary between \$50 000 and \$100 000.

For book pricing, ODB claims the machine can print for US\$0.01 per page (which for most books would be significantly cheaper than most POD options currently available), but this is yet to be widely tested. As indicated by the early adopters of the EBM, it is particularly suited to educational and academic sites, largely because of the nature of its pre-installed catalogue.

Again, the question would be whether there would be sufficient market volumes to justify

the expense of the machine. Secondly, in the major markets in which the EBM might be attractive – academic institutions and libraries – the high levels of connectivity and the prevalence of digital resources might mean that the solution would be digital rather than POD.

4.8.1 EBW and Paperight

In response to the PALM team's analysis and as a result of Electric Book Works' own strategic thinking about their business model, EBW submitted a proposal to develop a 'decentralised print on demand internet portal', which would aim to facilitate the legal printing of both licensed and open content at photocopy shops. In essence, the portal would also provide an easy-to-use repository of products which, it was hoped, would make it easier for participating publishers to place their flexibly-licensed materials online.

The motivation for this project depended on the perception that, while conventional POD might be difficult in the African context, copy shops are ubiquitous across the continent and many of them are linked to internet cafes.

The Paperight project aimed to support the other demonstration projects and to explore the potential of what we have called 'distributed POD' to turn any print/copy shop into a print-on-demand bookshop. The intention was to use a prototype Paperight website to test the logistical and cost factors of downloading and printing book content in copy shops. In addition to their own testing, EBW worked with a focus group at the Rosebank Methodist Church, producing a book written specifically from a series of lectures delivered during the pilot project.

The prototype site was created using a free, open source content management system. This came with various constraints, but the prototype site did allow for the examining and testing of site-usability issues, logistics and human processes in copy-shop settings.

The Paperight Project went through a pilot phase, using a prototype front end to test logistical and cost factors. EBW started with material developed by other PALM project participants. Unfortunately they were unable to use this content for licensing reasons, but the exercise provided invaluable lessons on rights and licensing issues, especially those concerning Creative Commons Non-Commercial licences. A copy-shop print-out of a CC NC book would violate the non-commercial terms of the licence. This means that strictly speaking, much content published with a CC NC licence cannot be printed by a commercial print/copy shop, although only some rights-holders would have intended that. This problem with the use of the CC NC licences is the subject of an extensive research project undertaken in 2008 and 2009 by Creative Commons (Creative Commons 2009).

For one large, commercial publisher, participation in the Paperight pilot was agreed to in principle by editorial staff, but ran aground when approval from senior management

was requested. This may suggest that decision-makers at commercial publishing companies are wary of or uninformed about the nature of digital distribution (especially the need to experiment), or that existing internal digital strategies, which are often in their infancy, preclude participation in any other initiatives.

EBW did include eight free healthcare books published by EBW and five books under open licences (from Google Books, the Internet Archive and Creative Commons). The content included a range of PDF types and file sizes. The pilot showed the importance of the system being as trouble-free and as automated as possible, to prevent erosion of staff time.

Costs were found to be within the desired limits: cheaper than or the same price as conventionally printed books.

Key findings and recommendations

A number of findings could help to inform other players who might wish to deploy a similar strategy.

A barrier was the use of Creative Commons Non-Commercial licences by many producers of open access materials, since many forms of distribution required to reach African readers require a financial transaction (and business model) at some point in the supply chain. Rights-holders must be very sure about their reasons for using CC NC. If they are using CC NC to protect a commercial revenue stream, then using CC NC is a valid commercial strategy. If they are using CC NC to defend a principle (e.g. 'this is free content, therefore no one should have to pay for it'), then CC NC is a bad choice, since it hinders distribution in practice. A CC Share Alike licence is more appropriate. For this reason, most proponents of CC licences are recommending the use of a CC SA licence as the most desirable option.

Concerted efforts are needed to educate decision-makers in content-related organisations (publishers, research organisations, universities, etc.) about the internet's digital distribution opportunities, including how those relate to flexible licensing. This could be pursued at industry-body level, or left to those organisations to prioritise as the need becomes obvious internally. In the latter case, the concerted effort could be to make advice or advisors clearly available.

Content-distribution services

Any successful content distribution service will have to actively investigate integration or partnership with existing organisations (e.g. print/copy shops, aggregators, licensing bodies) to provide value-adding services. Partnership is inherent in the process of providing content distribution services and this requires negotiation of a series of relationships. The service would need to include books as well as other forms of document. The distinction between

books and other kinds of documents is likely to become more and more blurred as publishing and print media move closer to one another (Shatzkin 2009).

Digital rights management, the Paperight pilot suggests, may offer more challenges than opportunities. It is important to assess the real financial value and impact of integrating with or deploying DRM technology. Not using DRM may mean a smaller catalogue of content, as this would exclude the use of commercially-owned content from conventional publishers, while the costs of using DRM to protect commercial content may exceed the sales made of DRM content in an African context.

The service must recognise that users will print out only parts of books, and build in support for this. Rights-holders must understand that digital content and distribution models must be designed for automation. Many rights-holders struggle to think about their books in terms of large, automated batches of content, preferring to think in title-by-title terms.

The environmental advantages to any kind of digital distribution should always be made clear, in addition to the social and financial ones. The environmental advantages of Paperight elicited a particularly strong, positive emotional reaction from those EBW spoke to, often stronger even than the social/educational or financial advantages.

It appears that a system such as Paperight might be feasible as a solution to Africa's need for POD distribution services, perhaps on a limited scale to allow for the distribution of African content. This could be managed alongside the development of electronic solutions, through ebook readers and mobile technology. However, there would have to be investment in the creation of partnerships, brokering wider understanding of the appropriate and effective use of open licences in the African context, and capacity building in technical skills.

4.8.2 Publisher attitudes to the statutory and regulatory environment

Rather than concerning themselves with requirements for legislative reform in IP law or policy changes, the practical application of open and flexible licensing was the central concern of the publishers participating in the PALM programme. This might have been a capacity issue; however, the general tenor of the interchanges at the workshops was less concerned with the question of national legislation than with business practicalities and engagement with changing business models.

In the Ugandan Stakeholders' Seminar, for example, attitudes to the regulatory copyright environment expressed by participating publishers focused more on fears of piracy than the serious questions raised in the Ugandan ACA2K Country Report about a failure in recent legislation to protect exceptions for educational use (ACA2K 2009: 11).

The implication is that although IP legislation is often posed as the core barrier to A2K, and in spite of the fact that a number of respondents in PALM concurred with this

approach, the existence of flexible licensing options allows for the delivery of increased access within the existing statutory and regulatory environment, a pragmatic solution for an intractable problem.

This is usefully understood against the background of the Uganda ACA2K Country Report, which describes a situation in which rights-holders discovered that the passage of a more stringent Copyright Act in 2006 did not in fact impact on levels of infringement. What emerged, and was cogently articulated by an informant from NABOTU, was that the problems that were faced were ones of high prices for copyrighted goods, poverty as a barrier to access to learning materials for the majority of the population, and the impossibility of affording textbooks. The conclusions drawn in this study articulate the dilemma clearly:

The ACA2K study found that poverty, and the high price of learning materials in both electronic and print forms, are to a large degree responsible for copying practices that totally disregard the law. This sentiment was shared by interviewees from the educational and user community (i.e. students and the librarian), as well as the publishing rights-holder representative interviewed (ACA2K 2009: 48).

In South Africa, copyright and government policy came up as barriers to access to knowledge in a number of participant questionnaires at the Stakeholders' Seminar. At the PASA Copyright Committee annual meeting in 2008, where Eve Gray made a presentation on the PALM project, there was discussion of the need for reform of copyright legislation in South Africa. However, when it came to the Publishers' Workshop and the demonstration projects, the focus was very much more on pragmatic business solutions, rather than legislative or policy interventions. This might well be the result of legislative fatigue after decades of efforts to get copyright legislation brought up to date, by rights-holders and open access advocates alike.

What did emerge was the blocking effect of territorial licensing when it came, for example, to using POD as a way of distributing content across African borders and providing print publications in a digitally-deprived context. There are two potential approaches to dealing with this problem: one is to press for the legalisation of parallel importation; the other is a pragmatic – perhaps interim – approach of using CC+ protocols to speed up the process of cross-border licensing, as Bloomsbury Academic is doing.

Conclusions

In summarising the outcomes and conclusions of the PALM Africa programme, this report will first deal with the immediate findings, in terms of the licensing practices and the associated capacity-development needs that emerged from the programme's interaction with a variety of publishers and content producers. The report will conclude with a summary of the broader and deeper issues that emerged and the further research needed into the role that African publishing could play in delivering the Millennium Goals in Africa, partnering with the use of ICT, flexible licensing and new business models.

Above all, the PALM programme has identified the extent to which this potential has been neglected as a result of a myopic vision of what constitutes the African publishing ecosystem.

The outcomes, findings and recommendations of the PALM programme are summarised in Table 1 on pages 19 to 22.

5.1 FLEXIBLE LICENSING AND A2K IN UGANDA AND SOUTH AFRICA

The central focus of the PALM Africa programme was on licensing: the programme aimed to research whether current licensing practices help or hinder distribution of content and whether or not adoption of flexible licensing practices under certain circumstances might help streamline some of the publishing processes, thereby potentially reducing costs while expanding the reach and effectiveness of publications.

A review of the proposed and fully-executed demonstration projects in the PALM

programme reveals the take-up of the following licensing and business models:

1. The use of Creative Commons BY NC licences to place the full text of publications online as a marketing exercise – with a particular focus on attracting a readership beyond national borders. This applied to both commercial and development-focused publishers.
2. The use of CC licences to remove barriers of access to publications produced by international agencies, such as UNESCO and the World Bank, as well as ensuring open access to the reports of donor organisations such as the IDRC.
3. The use of CC licences – including Share Alike licences – to extend the reach of development-focused publications and enable the ‘translation’ of research in areas such as agriculture and child health for social and economic impact. It emerged that the availability of research reports, policy papers and other publications online was an established practice among some research institutions in South Africa in particular and that the use of CC licences offered advantages in clarifying permitted uses – including the desire for free and open access to research reports and policy papers – and in offering better search possibilities.
4. The use of open licences to provide content for business and health-related training programmes free of charge, while earning revenue from other training channels, such as assessment and certification.
5. The potential for open licences and open content repositories to grow the volumes of science popularisation supported by government and donor agencies. This was a matter of leveraging professional publishing services in a context in which the main revenue stream for product development is from public or donor funding. The question of whether this could lead to the availability of low-cost materials for sale to wider markets is something that has not yet been fully explored.
6. The use of open licences in partnerships between specialist digital publishing service providers and content developers (the latter supported at least in part by public funding) in which a mixed free-of-charge and commercial business model is used to provide sustainability as well as enhanced reach and impact.
7. Open access licences for scholarly publishing, where payment for publication development comes from research or donor funding.
8. The use of onward licensing of content for POD through copy shops (a pilot project) to serve the needs of readers who want print copies and/or who do not have access to the internet. This would also serve to provide a way of providing access to publications across national boundaries.

In other words, there was a response among participating publishers to a wide variety of new business models linked to flexible licensing practices. It was interesting that in many cases, the licensing models developed in the course of the PALM programme built upon existing

practices, particularly among those publishers and content providers who aimed to address development needs, either through research or training and community programmes.

5.2 EMERGING TRENDS

- After initial caution, both commercial and development-focused publishers tended to adopt, as their first experiment, a dual-stream business model with print for sale and online open access content. The online content was used as a marketing tool for greater reach and exposure. Licence choice was conservative, with publishers cautious of allowing derivatives or commercial uses.
- Critical success factors in the use of open access licences for marketing purposes by commercial and development publishers were the active promotion of the availability of open content on the company website and the championing of the venture at a high level in the organisation.
- Training providers – commercial and NGO – saw the advantage of using open access content to attract students to training delivery and to deliver public interest goals, with business models that involved free content combined with sales of books and paid-for training provision, accreditation and certification.
- Research organisations appeared to be at the forefront in understanding the potential of open access content availability to support the development goals of research programmes. What PALM offered them was enhanced understanding of the value of formal open access CC licences and the value of professional publishing and marketing skills.
- Print on demand for rapid and decentralised small print runs was perceived to be a key need.

5.3 KEY OUTCOMES

- A number of commercial and not-for-profit publishers in Uganda and South Africa adopted CC licences as a marketing exercise to expand the reach and increase the sales of their titles. This appeared to be successful, with increased downloads noted. However, there is a need for further technical expertise in tracking downloads and a longer period of time would be needed to track impact accurately.
- One of the initial expectations of the PALM proposal was not delivered: that

the use of flexible licensing would ease the use and lower the cost of the use or adaptation of international materials for African consumption. This appeared to arise from the dominant desire of African publishers to grow their own presence in their markets rather than relying on imported content. In other words, the participants in the project had as their aim greater *participation* in national, regional and global publication rather than simply greater *access*.

- Linked to this was a lack of take-up of the potential of licensing protocols such as CC+ or ACAP, which allow for easy online transaction of subsidiary licences for cross-border licensing, adaptations or translations. However, this was identified as an important issue in a pilot study on the potential for licensed print on demand delivery through copy shops.
- In Uganda, the PALM project succeeded in bringing Uganda's publishing industry into an experimentation mode which is necessary for the development of new business models. A key lesson, however, was that poor ICT skills and the predominance of small companies that could not afford to outsource ICT personnel and equipment hampered more companies from participating in the publishing experiment.
- The potential of a copy shop model for licensed POD services was demonstrated; however, concerted efforts are needed to educate decision-makers in content-related organisations (publishers, research organisations, universities, etc.) about the internet's digital distribution opportunities, including how those relate to flexible licensing. This could be pursued at industry-body level, or left to those organisations to prioritise as the need becomes obvious internally. This potential could be managed alongside the development of electronic solutions, through ebook readers and mobile technology.
- The PALM South Africa 2009 Publishers' Workshop provided a context for interaction between the directors of the SABDC and NABOTU in Uganda, leading to mutual proposals for collaboration in reading development activities.
- An international distribution agency for African publications, the African Books Collective, offered POD international distribution services through Lightning Source to a FEMRITE online title. The National Book Trust of Uganda, which hosted the PALM project, in turn received interest from the US Library of Congress for its PALM industry survey, available on an open licence online.

5.4 RESEARCH FINDINGS

- The PALM programme's demonstration projects challenge the conventional perceptions of how publishing works, revealing the existence of a vibrant publishing culture that operates outside of commercial publishing. These publishers challenge the division between commercial and not-for-profit publication activities and confound the perception that non-commercial publishing is by its nature not professional in its standards and business models.
- A key finding of the PALM study resided in the insight that was gained into the differences between the aspirations and operations of commercial as opposed to development publishers and the existence, in Ugandan commercial publishers, of profit and development motivations. Of particular value was the insight gained into the process of brokering change in the different contexts of the small publishing industry in Uganda and the bigger, middle-economy context of the South African industry.
- In the changing world of digital publishing, the emerging publishing model is one of digital content databases capable of sending content to multiple media channels, targeted at niche markets. Given the difficulties of cross-border trade in African publishing and the limitations in internet connectivity, the capacity to produce products appropriate to the local context is potentially important.
- Publishing services organisations – both research-based and NGO – demonstrated that there are specialised publishing skills involved at every level in the process of popularising or 'translating' research, from writing to design and choice of media. While training and support for science journalism is offered through organisations such as UNESCO and by national governments, these specialist skills are less widely understood in the context of publishing.
- The lesson learned from these companies and research units was that there is capacity available for making Africa's investment in research work for national development goals, in line with government policy demands for research impact on economic and social development. Flexible licensing could offer 'last-mile' solutions, through the use of commercial licences and print on demand, for onward dissemination of publicly-funded science development projects, in an open and sustainable way.
- The PALM Paperright project's investigation of the potential for using copy shops for POD revealed that this did need to be pursued further; however, it identified the need for the development of partnerships for the compilation of licensed content and for the resolution of technical questions and the automation of processes. The use of CC+ protocols could provide a solution; however, this

would require an informational and capacity-building exercise among a number of publishers and content providers.

- Among the key findings of the POD pilot study intervention was an increased awareness of the limitations of the CC Non-Commercial licence. A number of findings from this intervention could help to inform other players who might wish to deploy similar strategies. For this reason, most proponents of CC licences are recommending the use of a CC SA licence as the most desirable option.
- A copy-shop-based POD system could be managed alongside the development of electronic solutions, through ebook readers and mobile technology.
- The PALM programme identified the need for effective marketing even where open access publishing models are being used and interrogated how publishers could leverage new, networked marketing strategies to address their own particular and often difficult circumstances.
- PALM's interaction with the larger South African publishers showed that change, in the context of large organisations, is an incremental process; and that any systemic change would need to be worked through what are necessarily slow and secretive strategic planning processes in a conservative industry that is resistant to change. The sticking point for the South African companies was their dependence, at a corporate level, on a core business model that centres on the protection and exploitation of content.
- The neo-colonial foundations of IP legal regimes in Africa were identified. This has resulted in a focus on *access* in development discourse commonly leading to an emphasis on exceptions and limitations in copyright law. The PALM programme, with its recognition of the importance of *participation*, identified territorial rights and the prohibition of parallel importation as the major backward drag on the ability of African publishers to reach wider readership and markets across the region and to provide adaptations and translations for regional use.
- The practical application of open and flexible licensing was the central concern of the publishers participating in the PALM programme, rather than requirements for legislative reform in IP law or policy changes. The general tenor of the interchanges at the workshops and the answers to questionnaires showed less concern with the question of national legislation than with business practicalities and engagement with changing business models.

5.5 FURTHER RESEARCH REQUIREMENTS

Commercial and development publishing in Africa

There needs to be a redefinition and re-evaluation of development (or ‘grey’) publishing in a digital world and in the African context. This would involve a review of the implicit hierarchies and power structures that underlie the marginalisation of this kind of publication and of the value systems that underpin the valorisation of commercial over other kinds of publication. It could build on the understandings achieved in the PALM project of the professional skills being exercised by these non-formal publishers and the combination of commercial and public-good motivations that characterise these ventures, and the potential for combinations of public interest and commercial models, using OA and flexible licensing, that might contribute to A2K in the developing world.

Technological skills and capacity building for African publishing

A recurrent theme in the PALM programme was the need for greater capacity and skills when it came to online publication and the management of online content. Further research could identify the nature of the expertise required, the systems and platforms needed and metadata management and search optimisation. This would need to be relevant to an African (or developing country) context, where bandwidth may be scarce and where the use of mobile technology and wireless connectivity is likely to be a factor.

Business models and industry capacity development

While research and capacity development in African media has focused on support for newspaper and broadcast media, the development potential of publishing has been neglected, as a result of a narrow, commercialised conception of the nature of the industry. Further research would investigate appropriate business and sustainability models across formal, commercial publishers and development publishers, as well as the role of service providers in an increasingly disaggregated value chain. This would require a review of the publishing ecosystem in an African context, the level and nature of public support in sector development, appropriate licensing models and skills needs.

IP law – territorial rights and parallel importation

The prohibition of parallel importation in African copyright regimes is not required by international copyright treaties such as TRIPS and tends to enforce higher prices by creating market barriers that favour commercial publishers from the global North. It is becoming an anachronism, given the seamless global markets offered by the internet. The question to be researched is therefore whether African governments should consider repealing bans in their copyright legislation on parallel importation. This also becomes an important issue when it comes to developing the potential for ebook readers; something that was not dealt with in the PALM programme, but which could offer considerable benefits in Africa over the next few years.

Distributed print on demand

While there was neither time nor capacity in the PALM programme to explore the potential of POD for inter-African trade further, this is a possible spin-off for future investigation.

Such research should include the need for the development of partnerships for the compilation of licensed content and for the resolution of technical questions and the automation of processes. The use of CC+ protocols could provide a solution. This would require an informational and capacity-building exercise among a number of publishers and content providers.

In the current circumstances, there would appear to be a largely unrecognised potential for the use of digital devices as potential solutions to the distribution problems faced by African publishers.

Further research and advocacy on CC Non-Commercial licences

Creative Commons Non-Commercial licences are used by many producers of open access materials. However, since many forms of distribution required to reach African readers require a financial transaction (and business model) at some point in the supply chain, rights-holders must be very sure about their reasons for using CC NC. Further research and advocacy is needed in an African context.

5.6 THE WAY FORWARD

The PALM research analysis and demonstration projects have revealed the variety of the contributions that African publishers across a wide spectrum are already making to cultural life, human resource development and critical development areas such as health and agriculture. Much of this contribution has been neglected or under-recognised in the existing literature, largely as the result of preconceived notions of what constitutes publishing; this in turn informed by neo-colonial power systems of knowledge dominance. What has to be recognised is that the current situation is inhibiting the scale of African publishing activities and thus the level of the contribution that could be made in creating a voice for African knowledge.

The potential that the PALM programme has identified for the use of flexible and open licences to grow access to Africa-centred and relevant knowledge for development would need to be supported by research and advocacy in a wider context if it is to reach its full potential. In the first instance, the real ecosystem of publishing – commercial, non-profit and all the gradations in between – needs to be fully mapped and understood so that capacity building and infrastructure development can be aligned with the whole sector, rather than with commercial publishing alone. In this process, the value systems that marginalise certain forms of publishing and privilege others would need to be interrogated. This in turn would require advocacy for a wider view of publishing for development and the integration of an understanding of the role that this kind of publishing can play in ICT4D programmes.

Given an investment in research to underpin a strategic plan for policy development at national and regional level, there could be real potential for a vision of African publishing that is in line with developments in the 21st century knowledge society, using the full potential of open and flexible licences and new business models to give the continent a strong global voice and the capacity to address its own cultural and knowledge needs.

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